la clef

common law en français

Vocabulaire bilingue de la Common Law

DROIT DES BIENS
TOME 3

Terminologie française normalisée

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DROIT DES BIENS

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AVANT-PROPOS

Le présent ouvrage s'inscrit dans la poursuite de la démarche de normalisation entreprise en 1984. Le tome 3 du Droit des biens constitue le cinquième vocabulaire de la série "Terminologie française normalisée de la common law".

La méthode suivie pour l'élaboration de ce vocabulaire est demeurée essentiellement la même. Encore une fois, il a fallu, pour respecter la spécificité de la langue du droit en régime de common law, faire oeuvre de création et dépasser le simple exercice d'uniformisation.

Nous sommes particulièrement heureux de constater que les équivalents normalisés dans les vocabulaires précédents sont de plus en plus utilisés dans les écoles et les facultés où la common law est enseignée en français. Ils sont, aussi, graduellement adoptés par les traducteurs juridiques et rédacteurs législatifs des provinces et territoires où il y a reconnaissance totale ou partielle du bilinguisme législatif et judiciaire.

L'an dernier, le ministère de la Justice des Territoires du Nord-Ouest a délégué un représentant au sein du Comité de normalisation dont faisaient déjà partie les représentants des procureurs généraux de l'Ontario, du Manitoba et du Nouveau-Brunswick ainsi que du ministère de la Justice du Canada. Cette présence augmente la représentativité de ce Comité qui est l'organisme décisionnel de normalisation.

En tant que pays bilingue et bijuridique, nous nous devons de jouer un rôle de premier plan dans l'élaboration de la terminologie française de la common law. D'ailleurs, j'ai pu constater, lors de rencontres internationales auxquelles j'ai participé récemment, l'intérêt suscité à l'étranger

tant par la normalisation que les autres travaux jurilinguistiques réalisés dans le cadre du Programme national de l'administration de la justice dans les deux langues officielles.

Vous trouverez au début du vocabulaire la liste des membres du Comité technique, des collaborateurs et du Comité de normalisation, qui tous ont joué un rôle indispensable dans la production de ce vocabulaire. Je remercie bien sincèrement chacun d'entre eux. Je tiens aussi à souligner la contribution du Secrétariat d'État, qui a fourni les ressources humaines et financières, et de l'Association du Barreau canadien qui, encore une fois, en assume la publication et la diffusion.

La sous-ministre déléguée - droit civil
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Présidente du Programme national de
de l'administration de la justice
dans les deux langues officielles

Anne-Marie Trahan, c.r.

INTRODUCTION

Légèrement moins volumineux que ses prédécesseurs, le tome 3 du Vocabulaire du droit des biens n'en constitue pas moins une étape importante de la normalisation de la terminologie française de la common law.

En effet, l'usager pourra consulter ce troisième tome afin d'y repérer entre autres, les équivalents français normalisés des termes relatifs au bailment et aux future interests. Il y trouvera également la terminologie française relative aux sous-domaines animals et finding.

Par ailleurs, plusieurs des termes présentés dans le tome 3 viennent compléter des groupes déjà traités dans les tomes précédents. Ainsi, l'usager y retrouvera des termes appartenant aux groupes "condominium", "possession" ainsi que "ownership".

La démarche terminologique menant à l'élaboration du tome 3 est demeurée la même que pour les tomes précédents. L'essentiel de cette démarche est consigné dans les dossiers de synthèse destinés aux membres du comité de normalisation et aux collaborateurs.

Ces dossiers peuvent être obtenus en s'adressant au coordonnateur du Programme national de l'administration de la justice dans les deux langues officielles au numéro (613) 957-4621.

GUIDE DE L'USAGER

Ordre des entrées

Les entrées du Vocabulaire sont présentées par ordre alphabétique.

Les variantes purement orthographiques sont généralement présentées par le biais d'une note sous la forme orthographique la plus courante. Les composés synonymes qui renferment des différences syntaxiques ou morphologiques (perpetuities' rule, rule against perpetuities) figurent comme entrées distinctes; toutes les variantes des termes latins sont également présentées comme entrées distinctes.

Lorsque le terme anglais a des sens notablement distincts, ceux-ci sont indiqués par l'addition des mentions (1°), (2°), etc. La catégorie grammaticale des termes anglais n'est donnée que lorsqu'elle n'est pas évidente ou que la forme qui constitue l'entrée appartient à plusieurs catégories grammaticales (deposit (n.), deposit (v.)).

Analyse notionnelle du terme

Chaque entrée est généralement suivie d'une analyse de la notion : définition (DEF), contexte offrant une explication du terme ou l'associant à d'autres termes (CONT), exemple d'emploi (EX) et/ou note explicative (NOTE).

Ceux de ces énoncés qui ne sont pas suivis d'une mention de source ont été rédigés par le Comité technique.

Suit une énumération de termes anglais apparentés au terme en vedette : synonymes (SYN), antonymes (ANT), termes à distinguer (DIST) et termes complémentaires à voir aussi (VOIR).

Le Vocabulaire a été conçu de telle sorte que le jumelage de l'équivalent français et du terme anglais en vedette, l'analyse proprement dite de la notion et la liste des termes apparentés concourent, ensemble, à situer le sens à donner à l'équivalent.

Termes apparentés

La mention SYN n'est utilisée que dans le cas de termes intégralement synonymes sur le plan notionnel et sur celui de la fonction terminologique.

La mention ANT est réservée aux termes qui s'opposent directement, des points de vue notionnel et fonctionnel, au terme en vedette. Elle n'est pas employée pour signaler les liens de réciprocité (bailor / bailee).

Le symbole DIST désigne les termes (à l'exclusion des antonymes) qu'il importe de ne pas confondre avec le terme anglais en vedette parce qu'ils recouvrent une notion juridique tout à fait distincte ou plus large ou plus restreinte ou une nuance importante ou qu'ils remplissent une fonction terminologique différente.

La mention VOIR, plus large, vise à signaler soit des termes qui présentent un complément d'information utile, soit simplement l'apparentement de ces termes avec le terme en vedette.

Les termes apparentés figurent généralement dans les trois tomes du Vocabulaire du droit des biens qui ont été publiés jusqu'ici ou dans le Vocabulaire du droit successoral. Il a cependant paru nécessaire d'indiquer dans un certain nombre de cas l'apparentement au terme en vedette de termes qui ne sont pas traités dans ces tomes mais qui le seront dans un tome ultérieur; ces termes figurent entre parenthèses.

Termes historiques

Il a paru utile d'inclure quelques termes d'intérêt principalement historique relevés dans le cadre des recherches faites sur d'autres termes.

Les équivalents donnés pour ces termes - qui sont signalés par la mention (HIST) - sont offerts à titre d'exemples : il s'agit d'emplois relevés dans des ouvrages français relatifs à la common law ou recommandés par le Comité technique. Ces équivalents ne sont pas normalisés mais ils peuvent généralement s'employer sans préjudice à la terminologie normalisée.

Équivalents multiples

Il a généralement été donné plus d'un équivalent normalisé pour un même terme anglais seulement dans les cas où plusieurs équivalents sont nécessaires afin de pouvoir rendre correctement en français toutes les fonctions du terme anglais. Dans la plupart de ces cas, une note explicative précise le mode d'emploi des équivalents.

Équivalents latins

Le Comité de normalisation a décidé de normaliser l'emploi dans les textes français de certains termes latins; ceux-ci ne sont pas francisés et leur utilisation correcte sera alors régie par les normes grammaticales (genre, accord, etc.) qui s'appliquent aux mots étrangers. Ces "équivalents" latins sont identifiés par une note.

Mention de l'usage français antérieur

La mention USAGE signale certains emplois français de common law relativement constants ou notables relevés dans les textes canadiens.

Cette mention ne se prétend nullement exhaustive. Figurant à titre d'information, elle vise simplement à faire le lien de transition entre la terminologie des textes antérieurs et la terminologie normalisée. Elle ne présente pas les termes ainsi mentionnés comme des termes à employer normalement à la place des équivalents normalisés.

Termes non normalisés

Le Vocabulaire renferme quelques termes dont l'équivalent n'est pas normalisé. Ces équivalents sont identifiés par un astérisque et la mention "terme non normalisé". Il s'agit des cas où il a paru utile de présenter au moins un équivalent possible qui peut s'employer sans préjudice à la terminologie normalisée.

Termes sans équivalents

Il a été jugé important d'inclure certains termes anglais pour lesquels il n'y a pas eu, au moment de la publication du présent tome, de décision de normalisation quant à l'équivalent.

Ces termes sont peu nombreux mais leur rôle dans une structure donnée est tel que sans leur présence, le réseau notionnel dans lequel ils se situent aurait présenté de sérieuses lacunes.

Pour chacun de ces termes, paraissent une justification, une série de liens ainsi qu'une note explicative. La normalisation de ces termes sera complétée ultérieurement.

Renvois aux sources

La source des citations est indiquée, dans la plupart des cas, au moyen d'un code de source abrégé dont la clef se trouve dans les "Sources citées", à la fin du présent tome.

Index anglais

Ce tome 3 comprend, à la suite des entrées principales, un index cumulatif anglais des termes traités dans les trois tomes du Vocabulaire du droit des biens qui ont paru jusqu'ici. L'index renvoie le lecteur au tome où figure le terme recherché. Il remplace l'index anglais publié dans le tome 2.

Index français-anglais

Ce tome 3 comprend également, à la suite de l'index anglais, un index cumulatif français-anglais des termes traités dans les trois premiers tomes du Vocabulaire du droit des biens.

Cet index vise principalement à faciliter le repérage des entrées anglaises à partir des termes français. Il ne se pose pas comme un outil de traduction vers l'anglais des termes français.

Tableau des signes conventionnels et abréviations du Vocabulaire

(adj.).....adjectif
ANT.....antonyme
c. .....chapitre
C.C.S.M.....Continuing Consolidation of the Statutes of Manitoba
CONT.....contexte
DEF.....définition
DIST.....à distinguer
ed.....édition
EX.....exemple
(HIST).....terme historique
(n.).....nom
(n.f.).....nom féminin
NOTE.....note
R.S.A.....Revised Statutes of Alberta
R.S.C.....Revised Statutes of Canada
R.S.M.....Revised Statutes of Manitoba
R.S.N.B.....Revised Statutes of New-Brunswick
R.S.O.....Revised Statutes of Ontario
s. .....article
S.M.....Statutes of Manitoba
S.N.B.....Statutes of New-Brunswick
SYN .....synonyme
USAGE.....usage français antérieur
VOIR.....à voir aussi
(v.).....verbe

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PREFACE

Volume 3 of the Vocabulaire du droit des biens is another step in the standardization of the French terminology of the common law, a process that was begun in 1984. The method adopted for the preparation of this work, the fifth in a series of vocabularies, is essentially the same as the one used for the earlier publications; standardization had once again to be combined with a high degree of creativity in order to reflect the specific nature of the language of the common law.

It is gratifying to see that the standardized equivalents presented in the earlier vocabularies are being used more and more in universities where the common law is taught in French. They are also being gradually adopted by legal translators and legislative writers in the provinces and territories which recognize, whether fully or in part, bilingualism in the legislature and the courts.

Last year, the standardization committee, at that time comprising representatives of the Attorneys-General of Ontario, Manitoba and New Brunswick as well as of the federal Department of Justice, welcomed into its ranks a representative from the Department of Justice of the Northwest Territories. This committee, which is the decision-making body in standardization matters, has thus become even more representative of the different regions of Canada.

As a country with two official languages and two legal systems, Canada must play a leading role in developing the French terminology of the common law. Indeed, the growing interest that the various activities of the National Program for the Integration of the Official Languages in the Administration of Justice are generating abroad became evident to me at recent international gatherings I attended.

I would like to express my gratitude to the members of the technical committee, our consultants, and the members of the standardization committee, all of whom have played an invaluable role in the preparation of Volume 3. Their names are listed at the beginning of the publication. I would also like to thank the Secretary of State Department for contributing human and financial resources and the Canadian Bar Association for publishing and distributing the vocabulary.

Anne-Marie Trahan, Q.C.
Associate Deputy Minister - Civil Law, Department of Justice of Canada
Chairperson, National Program for the Integration of the Two Official Languages in the Administration of Justice

INTRODUCTION

While slightly shorter than its predecessors, Volume 3 of the Vocabulaire du droit des biens is nevertheless a major step forward in the process of standardizing the French terminology of the common law.

In this volume the user will find standardized equivalents for terms related to fields ranging from bailment and future interests to animals and finding. There are also a number of terms belonging to the groups condominium, possession and ownership that were presented in volumes 1 and 2.

The terminological method used in producing this vocabulary was the same as for the earlier volumes and is reflected in the terminology files prepared for the members of the standardization committee and our consultants. Anyone wishing to obtain these files should contact the Co-ordinator of the National Program for the Integration of the Two Official Languages in the Administration of Justice, at (613) 957-4621.

USERS' GUIDE

Order of entries

Vocabulary entries are in alphabetical order.

Orthographical variants are generally mentioned in a note under the most common form of the English term in question. Synonymous compound terms with different forms or syntax (perpetuities' rule, rule against perpetuities) are treated as separate entries; each variant of Latin terms also constitutes a discrete entry.

Clearly distinct meanings of an English term are identified by the numbers (1°), (2°), etc. The grammatical function (part of speech) is given only where it is not obvious or where the form of the entry is appropriate to more than one part of speech (deposit (n.), deposit (v.)).

Conceptual analysis of terms

Each entry is generally followed by a conceptual analysis which may include definitions (DEF), contexts explaining the term or illustrating its relationship to other terms (CONT), examples of usage (EX) and explanatory notes (NOTE).

Elements of the analysis for which no source is indicated are attributable to the Technical Committee.

The conceptual analysis is followed by a list of English terms related to the entry: synonyms (SYN), antonyms (ANT), terms to be distinguished (DIST) and terms which may be consulted for supplementary information (VOIR).

The Vocabulary is designed so that the pairing of the English entry with its French equivalent, the conceptual analysis and the list of related terms all contribute to defining the meaning attributable to the equivalent.

Related terms

The indication SYN is used only where terms are perfectly synonymous, both conceptually and with regard to their terminological function.

ANT is used strictly to indicate terms which are directly opposed, both conceptually and functionally, to the English entry. It is not used in cases of reciprocity (bailor / bailee).

DIST indicates terms (except antonyms) which must not be confused with the English entry, since they cover legal concepts which are completely distinct or which carry a wider, narrower or materially different shade of meaning. It is also used to identify terms which fulfill a different terminological function.

VOIR is used as a wider label, intended to draw to the user's attention terms which either provide additional useful information or are simply related to the entry term.

Related terms which form part of an entry may in most cases be found in the three published volumes of the Vocabulaire du droit des biens or in the Vocabulaire du droit successoral. In some instances, however, it was thought necessary to indicate the relationship between an entry and terms which remain to be treated in subsequent volumes; these terms are indicated by parentheses.

Historical terms

It seemed useful to include a number of terms of mainly historical interest which were encountered in the course of research into other expressions.

The equivalents for these terms, which are identified by the label (HIST), are given by way of example; they were found in French texts dealing with the common law. These equivalents are not standardized.

Multiple equivalents

Normally, a single English term will have more than one standardized French equivalent only where essential to render correctly in French all the functions of the English term. In most such cases, an explanatory note indicates how the various equivalents should be used.

Latin equivalents

The Standardization Committee decided to standardize the use of certain Latin terms in French texts; these terms have not been gallicized and their correct use will therefore be governed by the grammatical rules (gender, agreement, etc.) applicable to foreign expressions. Latin "equivalents" are identified by a note.

Previous French usage

Instances of previous French usage in Canadian texts which is relatively consistent or noteworthy are indicated by the label USAGE. These references are in no way exhaustive.

Their inclusion is by way of information and is intended simply as a means of making the transition between the terminology employed in previous texts and the standardized terminology. They are not included as terms which can normally be substituted for the standardized equivalents.

Unstandardized terms

The Vocabulary contains a number of terms with unstandardized equivalents. The latter are identified by an asterisk and the note "Terme non normalisé". It seemed useful, in the case of the terms in question, to present a potential equivalent which can be used without detriment to the standardized terminology.

Terms without equivalents

It was decided that certain English terms for which no standardized equivalent had been selected at the time of publication should nevertheless be included in the vocabulary. There are only a few of these terms, but such is the importance of their terminological function that omission would have left serious shortcomings in the system of concepts concerned.

A justification, related liens and an explanatory note are given for each term. Standardized equivalents will be presented in future publications.

Citations

In most cases, sources are cited in an abbreviated form, the key to which will be found in the list "Sources citées" at the end of this volume.

English index

A cumulative index to English terms included in the three published volumes of the Vocabulaire du droit des biens is included after the main text. The index refers the user to the volume in which the term is treated. It replaces the index published in Volume 2.

French-English index

A cumulative French-English index to terms included in the first three volumes of the Vocabulaire du droit des biens will also be found after the English index.

This index is primarily designed to facilitate consultation of English entries when the French term is known. It is not intended to be a tool for translating French terms into English.

Table of conventional symbols and abbreviations used in this Vocabulary

(adj.).....adjective
ANT.....antonym
c. .....chapter
C.C.S.M.....Continuing Consolidation of the Statutes of Manitoba
CONT.....context
DEF.....definition
DIST.....distinguish
ed. .....edition
EX.....example
(HIST).....historical term
(n.).....noun
(n.f.).....noun (feminine)
NOTE.....note
R.S.A.....Revised Statutes of Alberta
R.S.C.....Revised Statutes of Canada
R.S.M.....Revised Statutes of Manitoba
R.S.N.B.....Revised Statutes of New Brunswick
R.S.O.....Revised Statutes of Ontario
s. .....section
S.M.....Statutes of Manitoba
S.N.B.....Statutes of New Brunswick
SYN.....synonym
USAGE.....previous French usage
VOIR.....see also
(v.).....verb

abeyance **vacance**

DEF Expectation or contemplation of law; the position of waiting for or being without a claimant or owner.
(Oxford, 1933)
DEF In the law of estates, the condition of a freehold when there is no person in being in whom it is vested. In such cases the freehold has been said to be in nubibus (in the clouds), in pendenti (in suspension); and in gremio legis (in the bosom of the law).
(Black's, 5th ed. 1979, p. 6)
CONT An estate in fee is in abeyance where there is no person in esse in whom it may vest and abide, although the law considers it as always potentially existing and ready to vest when a proper person in whom it may vest appears.
(Ballentine's, 3rd ed. 1969, p. 3)

VOIR abeyance of freehold
abeyance of seisin

abeyance of freehold **vacance de tenure franche**

CONT No abeyance of freehold. Limitations of land operating at common law were subject to the rule that there must always be a tenant of the freehold; in other words, the freehold must never be in abeyance. Consequently, an estate of freehold could not at common law be limited to commence in the future save by way of remainder after a particular estate, and a remainder could not be limited so as to vest in possession at a date later than the determination of the preceding estate.
(Halsbury, 4th ed., Vol. 39, p. 327)

VOIR abeyance
freehold (3°)

abeyance of seisin **vacance de saisine**

CONT Seisin was of vital importance to the feudal system for the feudal incidents were enforceable only against the person seised of the land. Hence the idea took hold that there could never be an abeyance of seisin, for then all public and private rights pertaining to the land would also be in abeyance.
(Anger & Honsberger, 2nd ed. 1985, p. 25)
CONT The fourth common law remainder rule requires that a remainder vest during the continuance of the prior particular estate or at the moment that it determines. The existence of a gap or an abeyance of seisin between the prior particular estate and the next successive estate was abhorred by the common law and was the usual cause of invalidity and failure of a contingent remainder.
(Anger & Honsberger, supra, p. 394)

VOIR abeyance
seisin

absolute right **droit absolu**

CONT With respect to the ownership of external objects of property, rights may be classed as absolute and qualified. An absolute right gives to the person in whom it inheres the uncontrolled dominion over the object at all times and for all purposes.
(Black's, 5th ed. 1979, p. 1190)
CONT [Absolute rights:] These rights the individual may exercise without reference to his motive as to any injury resulting therefrom directly....
(Ballentine's, 3rd ed. 1969, p. 7)

DIST qualified right
limited right
conditional right
absolute interest
absolute title
absolute estate
VOIR (right)

absolutely vested estate — **domaine dévolu sans réserve**

EX The rule in Boraston's Case ... is that where property is devised to a person upon the attainment of a specified age and until that time it is devised to another, the first person takes an absolutely vested estate immediately.
(Anger & Honsberger, 2nd ed. 1985, p. 367)

DIST (contingently vested estate)
absolutely vested interest
vested estate
VOIR estate (1°)
vested (adj.)

absolutely vested interest — **intérêt dévolu sans réserve**

CONT Vested interests are of three types, namely absolutely vested, subject to partial divestment and subject to complete divestment.... Historically, any estate in remainder, if it was not defeasible by executory limitation, contingent remainder, or otherwise, was regarded as vested absolutely.
(Anger & Honsberger, 2nd ed. 1985, p. 350)

DIST (contingently vested interest)
absolutely vested estate
vested interest
(vested interest subject to partial divestment)
(vested interest subject to complete divestment)
VOIR indefeasibly vested interest
interest
vested (adj.) (2°)

absolutely vested remainder — **résidu dévolu sans réserve**

CONT [The l]aw recognizes "absolutely vested remainders", in which taking by specified individual is directed without any proviso or limitation, "contingently vested remainders" or "remainders vested subject to being divested", ... and "contingent remainders"....
(Words and Phrases/U.S., Vol. 44, p. 158)

DIST (contingently vested remainder)
contingent remainder
VOIR vested (adj.) (2°)
remainder

accession (1°) — **accession**

CONT In its general sense, accession has been defined as the increase, addition, or augmentation. As a legal term, it [sic] ordinarily signifies the principle by which the owner of property becomes entitled to all which it produces, and all that is added or united to it, either naturally or artificially, whether such property be movable or immovable.
(Corpus Juris Secundum, Vol. 1, p. 406)
CONT Accession is the right to all that one's property produces whether that property be moveable or immoveable, and the right to that which is united to it by accessory, either naturally or artificially; a source of title to property, by virtue of its incorporation with, or annexation to, that which is already the property of the individual in whom the right to the acquisition is thus vested.
(Words and Phrases/Canada, 2nd ed. 1963, p. 36)
NOTE Terme générique.

DIST accretion
dereliction (2°)
alluvio
alluvion
alluvium
confusion
merger

accession (2°) **accession**

CONT An owner of personal or moveable property is owner of accessions to it, such as of accessories to his car, or what naturally accrues to it, as by the birth of young to his animals....
(Oxford Companion to Law, 1980, p. 8)
NOTE Sens métonymique.

DIST accretion (3°)
dereliction (3°)
alluvion (2°)
fixture
admixture (2°)

accessioner **auteur de l'accession**

CONT When in the case of accession to the goods of another by labor or added materials the owner of the goods seeks to reclaim as his own the improved property, the award of title necessarily has the effect of depriving either the owner of his goods or the accessioner of the results of his labor or of the adjoined accessory....
(Brown, 3rd ed. 1975, p. 55)

VOIR accession

accessory (n.) **accessoire**

DEF As a noun, "accessory" is defined as meaning an accompaniment or adjunct; a thing that contributes subordinately to the effecting of a purpose or to an artistic effect; any article or device that adds to the convenience or effectiveness of something else but is not essential.
(Corpus Juris Secundum, Vol. 1, p. 418)

DIST fixture
appendant (n.)
appurtenance

accreted land — **terre d'accroissement, terres d'accroissement**

CONT [A]ccreted lands are additions to the area of realty from gradual deposit by water of solid material, whether mud, sand, or sediment, producing dry land which before was covered by water, along banks of navigable or unnavigable bodies of water.
(American Law of Property, Vol. III, p. 855)
NOTE Lorsque le terme anglais accreted land est un collectif, il y a lieu d'employer le second équivalent "terres d'accroissement".

SYN accretion (4°)
DIST derelict land
relicted land
dereliction (3°)
reliction (2°)

accretion (1°) **accroissement**

DEF [T]he act of growing to a thing; usually applied to the gradual and imperceptible accumulation of land out of the sea or a river. Accretion of land is of two kinds; by alluvion, i.e., by the washing up of sand or soil, so as to form firm ground; or by dereliction, as when the sea shrinks below the usual water mark. If this accretion of land is by small and imperceptible degrees, it belongs to the owner of the land immediately adjacent to it, but if it is sudden and considerable it belongs to the Crown.
(Jowitt's, 2nd ed. 1977, p. 27)
NOTE [Blackstone] also includes under accession the acquisition of young animals born in confinement; this is more correctly called accretion.
(Jowitt's, 2nd ed. 1977, p. 17)
NOTE Acception large.

DIST accession
confusion
merger
VOIR dereliction (2°)
reliction (1°)
alluvion (1°)

accretion (2°) **accroissement**

CONT The foreshore is a movable entity in that land may be added to it either by being washed up by the sea (when the process is known as accretion by alluvion) or by being left dry by the sea (this is referred to as dereliction), and conversely tidal water may encroach upon the land. Land which is slowly, gradually and imperceptibly added to the shore, whether by accretion or dereliction, belongs to the owner of the land above high water mark if the added land becomes situate above high water mark.
(Wisdom, Water Rights, 1969, p. 125)
NOTE Acception stricte.

SYN alluvio
alluvion (1°)
DIST dereliction (2°)
reliction (1°)
accession (1°)

accretion (3°) **accroissement**

EX [A]ccretions from the sea are annexed to the relevant parish in England or community in Wales.
(Jowitt's, 2nd ed. 1977, p. 27)
NOTE Acception métonymique large.

DIST accession (3°)
fixture
VOIR dereliction (3°)
reliction (2°)
accreted land
derelict land
relicted land

accretion (4°) **accroissement**

CONT [L]and uncovered by gradual subsidence of water is not an "accretion" but a "reliction".
(Words and Phrases/US, p. 454)
NOTE Acception métonymique stricte.

SYN accreted land
DIST dereliction (3°)
reliction (2°)
derelict land
relicted land
VOIR alluvium

actual bailee **baillaire de fait**

VOIR actual bailment
DIST constructive bailee
involuntary bailee
quasi-bailee

actual bailment **baillement de fait**

NOTE [Actual:] Something real, in opposition to constructive or speculative; something existing in act.
(Black's, 5th ed. 1979, p. 33)
CONT Actual bailment [is] one which exists where there is either: (a) an "actual delivery", consisting in giving to the bailee or his agent the real possession of the chattel, or (b) a "constructive delivery", consisting of any of those acts which, although not truly comprising real possession of the goods transferred, have been held by legal construction equivalent to acts of real delivery.
(Black's, 5th ed. 1979, p. 129)

DIST constructive bailment
involuntary bailment
quasi-bailment
(actual delivery)
VOIR bailment

actual entry **entrée de fait**

CONT Entry is actual when the person making it goes on the land itself....
(Jowitt's, 2nd ed. 1977, p. 706)
NOTE Acception stricte en droit des biens. Voir la NOTE sous "entry (1°)".

DIST constructive entry
(entry in law)
VOIR entry (1°)

adjunctio **adjonction**

DEF Adjunction; the acquisition of property by its annexation to other property.
(Ballentine's, 3rd ed. 1969, p. 32)

SYN adjunction
DIST accretion
dereliction (2°)
reliction (1°)
confusion
merger
commixtio
commixtion
commixture
intermixture
alluvio
alluvion (1°)
alluvium
VOIR accession

adjunction **adjonction**

DEF The uniting of one article or material with another by which the lesser thing becomes a part of the greater. (Ballentine's, 3rd ed. 1969, p. 32)
DEF Adding, affixing or attaching to another. Act of adjoining. In civil law, the attachment or union permanently of a thing belonging to one person to that belonging to another. The common law implicitly adopts the civil law doctrines.
(Black's, 5th ed. 1979, p. 40)

SYN adjunctio
DIST accretion
dereliction (2°)
reliction (1°)
confusion
merger
commixtion
commixture
commixtio
intermixture
alluvion (1°)
alluvium
alluvio
VOIR accession

admixture (1°) **mélange**

DEF [A]ct of mixing.
(Black's, 5th ed. 1979, p. 45)

DIST confusio
confusion
commixtio
commixtion
commixture
adjunctio
adjunction
VOIR intermingling (n.)
intermixture
mingling (n.)

admixture (2°) **mélange**

DEF [A] substance formed by mixing two or more substances.
(Ballentine's, 3rd ed. 1969, p. 36)

adverse user **usage adversatif**

CONT In order to acquire an easement by adverse user, the claimant must satisfy generally the same requirements as those for adverse possession, including the prescriptive period. While most easements cannot be lost by mere non-use, an easement created by adverse user can be terminated by non-use for the prescriptive period of adverse possession.
(Reilly, 2nd ed. 1982, p. 15)

DIST adverse possession
adverse enjoyment
adverse occupancy
adverse occupation
prescription
VOIR adverse use

alluvio alluvion

CONT This is where sand and earth are washed up by the sea or a river so as to make an addition to existing land.... If this is done suddenly and to a considerable extent, the new land belongs, in the case of the seashore, to the Crown. Whether the increase is perceptible or imperceptible, it belongs, in the case of a non-tidal river, to the owner of the existing land; and if it is imperceptible, the increase, in the case of the seashore, also belongs to him.
(Jowitt's, 2nd ed. 1977, p. 91)

SYN alluvion (1°)
accretion (2°)
DIST dereliction (2°)
reliction (1°)
VOIR accession

alluvion (1°) alluvion

CONT Land formed by alluvion. Where land is formed by alluvion, namely by the casting up of earth or sand on the shore of the sea, the additional increment belongs to the Crown where the casting up of the earth or sand takes place suddenly. However, where new land is formed by small accretions and the additions or increments are so gradual as to be inappreciable, these belong to the owner of the adjacent land, whether the accretions are due to natural or to artificial causes, provided in the latter case the user of the land is lawful.
(Halsbury, 4th ed., Vol. 8, p. 867)
CONT Accretion of land is of two kinds: By alluvion, i.e., by the washing up of sand or soil, so as to form firm ground; or by dereliction, as when the sea shrinks below the usual water-mark.
(Black's, 5th ed. 1979, p. 19)

SYN alluvio
accretion (2°)
DIST dereliction (2°)
reliction (1°)
VOIR accession

alluvion (2°) **alluvion**

DEF The solid material which is added to land by accretion, that is, by the gradual deposit of such material by water. Accretion denotes the gradual process which makes the deposit, while alluvion is the term applied to the deposit itself.
(Ballentine's, 3rd ed. 1969, p. 64)
NOTE The term "alluvion" is applied to deposit itself, while "accretion" denotes the act. However, the terms are frequently used synonymously.
(Black's, 5th ed. 1979, p. 19)

SYN alluvium
DIST dereliction (3°)
reliction (2°)
derelict land
relicted land
VOIR accreted land
accretion (3°)

alluvium **alluvion**

CONT There are two types of accretion. One [type of accretion] is created by the gradual and imperceptible deposit of alluvium on the banks of a riparian owner's land.
(La Forest, 1973, p. 225)

SYN alluvion (2°)
DIST dereliction (3°)
reliction (2°)
derelict land
relicted land
VOIR accreted land
accretion (3°)

alternative contingency (1°) **éventualité alternative**

CONT If a limitation is made to take effect on the happening of either of two alternative events, one of which is too remote but the other is not, the limitation will take effect if the latter event actually happens.... Such a limitation on the happening of either of two alternative events is called a limitation upon a double aspect or a contingency with a double aspect, but is said to really comprise alternative independent limitations. In order to achieve this result the alternative contingencies must be express.
(Anger & Honsberger, 2nd ed. 1985, pp. 486-7)
NOTE [Alternative:] The choice of one of two things, courses, or propositions which is excluded by the choice of the other.
(Ballentine's, 3rd ed. 1969, p. 65)

VOIR contingency with a double aspect
(alternative limitation)
(limitation upon a double aspect)
double contingency
contingency (1°)

alternative contingency (2°) **éventualité alternative**

NOTE Voir la NOTE sous "alternative contingency (1°)".

VOIR contingency (2°)
(alternative remainder)

ancient user **usage ancien**

CONT The basis of prescription is that if long enjoyment of a right is shown, the court will strive to uphold the right by presuming that it had a lawful origin. Thus the court may presume, on proof of the fact of long enjoyment that there once was an actual grant of the right, even though it is impossible to produce any direct evidence of such a grant. It is then "the habit, and in my view the duty, of the court, so far as it lawfully can, to clothe the fact with right." "The court is endowed with a great power of imagination for the purpose of supporting ancient user." This policy extinguishes stale claims, quiets titles, and preserves established property, while at the same time paying lip service to the doctrine that every easement must owe its origin to a grant.
(Megarry & Wade, 4th ed. 1975, p. 841)

DIST immemorial user
long user
VOIR (lost modern grant)
ancient lights (2°)

ancillary easement **servitude accessoire**

CONT An ancillary easement is a use necessary for the full enjoyment of a profit a prendre. The ancillary easement may be distinguished from the "secondary" easement, the latter being a right to go upon a servient tenement to maintain and repair or otherwise perform such acts as are necessary to the full enjoyment of the easement. The ancillary easement, on the other hand, is a right incident to the power to take the property, subject of the profit a prendre.
(Cartwright, 1972, p. 71)
CONT The question of ancillary easements commonly arises in connection with repairs. Thus the grantee of an easement for a watercourse through his neighbour's land may, when reasonably necessary, enter his neighbour's land for the purpose of repairing, and may repair, such watercourse.
(Gale on Easements, 14th ed. 1972, p. 44)

DIST secondary easement
primary easement
principal easement
necessary easement
easement of necessity
VOIR ancillary right
easement

ancillary right **droit accessoire**

CONT A grant of an easement prima facie includes the grant of all ancillary rights reasonably necessary for its enjoyment and exercise which, for example, in the case of a right of way includes the right to enter upon the land of the grantor and to grade the ground in the case of an unopened right of way so as to render the way feasible and practicable and to keep an existing easement in repair for its due enjoyment.
(Anger & Honsberger, 2nd ed. 1985, p. 931)

VOIR ancillary easement
(right)

animal domitae naturae animal domitae naturae *

[* Composant qualificatif latin.]

CONT The common law divided animals into two main groups, domitae naturae, or domestic, and ferae naturae, or wild. Domestic animals were treated the same as ordinary chattels and one might have an absolute property in them, but live, wilds animals were subject only to a qualified or defeasible property right, dependent upon actual physical control or possession....
(Fryer, 3rd ed. 1938, pp. 53-4)

DIST animal ferae naturae
animal mansuetae naturae
domestic animal
domesticated animal
tame animal

animal ferae naturae animal ferae naturae *

[* Composant qualificatif latin.]

CONT Animals ferae naturae [are] animals which are of a wild disposition, as distinct from animals mansuetae naturae or domitae naturae, domestic animals.
(Jowitt's, 2nd ed. 1977, p. 104)

DIST animal domitae naturae
animal mansuetae naturae
wild animal
tame animal

animal mansuetae naturae animal mansuetae naturae *

[* Composant qualificatif latin.]

CONT The law classifies animals into two groups: those which are dangerous to man - ferae naturae, and those which are not dangerous to man - mansuetae naturae. Animals are classified not according to their individual training and habits but according to the general habits of the species to which they belong. Examples of animals ferae naturae are elephants, dingoes, lions, gorillas and tigers; examples of animals mansuetae naturae are horses, cattle, camels, bees, dogs and cats, goats, and kangaroos. The classification of animals is a question of law for the judge. But it is not a question of which evidence may be called; the judge takes judicial notice of the characteristics of the species in question. Animals which are classified as mansuetae naturae may be classified either because experience has shown that by their nature they are harmless to man (e.g. rabbits) or because the animals have become harmless by cultivation and breeding (e.g. sheep, horses, oxen and dogs).
(Trincade & Cane, p. 568)

DIST animal ferae naturae
animal domitae naturae
tame animal
domestic animal
domesticated animal

animus revertendi **animus revertendi** *

[* Terme latin.]

CONT [L]ive, wild animals were subject only to a qualified or defeasible property right, dependant upon actual physical control or possession, such property right being lost if the animal escaped and returned to its original state of wilderness, unless it could be shown that the animal was domesticated to such an extent that it had the animus revertendi, the habit of returning to its owner.
(Fryer, 3rd ed. 1938, p. 53-4)

VOIR animal ferae naturae
animal mansuetae naturae

apparent contingency (1°) **éventualité apparente**

CONT Where a gift that is prima facie contingent is followed by a gift over on death under age, the apparent contingency is usually construed as merely fixing the time of payment, that is, the time when the gift will fall into possession on the determination of the prior interest.
(Anger & Honsberger, 2nd ed. 1985, p. 365)
CONT Under this rule [in Phipps v. Ackers], words expressing an apparent contingency are prima facie to be held not to prevent a vesting.
(Feeney, 1982, Vol. 2, p. 273)
NOTE [Apparent:] Appearing to the senses or mind, as distinct from (though not necessarily opposed to) what really is; seeming.
(Oxford, 1933)

DIST (legal contingency)
VOIR contingency (1°)

apparent contingency (2°) **éventualité apparente**

NOTE Voir la NOTE sous "apparent contingency (1°)".

DIST (legal contingency)
VOIR contingency (2°)

appendant (n.) **bien annexe**

CONT "Appendant", is any inheritance belonging to another that is superior or more worthy. In law it is called pertinent, quasi invieem tenens, holding one another; a word indifferent both to things appendant, and things appurtenant. The quality and nature of the things do make the difference. Appendants are never by prescription; but appurtenants may be created in some cases at this day....
(Stroud's, 5th ed. 1986, p. 153)

DIST appurtenance

appendant (adj.) **annexe**

DEF Annexed to a hereditament by operation of law, a common or pasture. Can generally be claimed by prescription.
(Curzon, 1983, p. 20)

DIST appurtenant (adj.)

appendant profit **profit à prendre annexe, profit annexe**

NOTE Voir la NOTE sous "profit (2°)".
SYN profit appendant
appendant profit à prendre
profit à prendre appendant
VOIR profit (2°)
appendant (adj.)

appendant profit à prendre **profit à prendre annexe**

SYN profit à prendre appendant
appendant profit
profit appendant
VOIR profit à prendre
appendant (adj.)

appendant right **droit annexe**

CONT The rights that are attached to land are incorporeal hereditaments. They include certain rights which are naturally or originally attached by law to land, as incidents of ownership, and which may be termed "appendant" rights....
(Adkin, Copyhold and other Land Tenures of England, 3rd ed. 1919, p. 83)

SYN right appendant
DIST right in gross
appurtenant right
right appurtenant
VOIR (right)
appendant (adj.)

appurtenance **dépendance, accessoire**

CONT Appurtenances are things belonging to another thing as principal and which pass as incident to the principal thing. In interpreting wills there is a rule that accessories follow the principal gift. With respect to real property this means that all rights and benefits that are necessary for the reasonable enjoyment of the property in the state in which it is devised impliedly pass under the devise. It is an implied grant by devise not only where the right claimed is a necessity, but also where a tenement is so constructed that parts of it involve a necessary dependence upon the adjoining tenement. In such a case the will passes the appurtenances in order that the property may be enjoyed in the state in which it was devised. Where the word "appurtenances" is used, it will be construed strictly. However in addition to its primary meaning the word may be interpreted as meaning equivalent to "usually occupied with".
(Anger & Honsberger, 2nd ed. 1985, p. 1343)
NOTE Lorsque la notion anglaise vise des biens réels, il y a lieu d'employer l'équivalent "dépendance". Par ailleurs, lorsque la notion vise des biens personnels, l'équivalent "accessoire" s'emploie.

SYN appurtenant (n.)
DIST appendant (n.)
fixture
accessory (n.)

appurtenant (n.) **bien dépendant**

CONT The term "appurtenant" as a noun is defined as meaning an appurtenance; a thing used with the land and for its benefit annexed to and connected therewith, and which may be of a corporeal or incorporeal nature; that which belongs to another thing, but which has not belonged to it immemorially, that which belongs to or is connected with something else to which it is subordinate or less worthy, and with which it passes as an incident.
(Corpus Juris Secundum, Vol. 6, p. 139)

SYN appurtenance
DIST appendant (n.)
fixture
accessory (n.)

appurtenant (adj.) **dépendant**

DEF Belonging to. Annexed to a hereditament by an act of parties or statute, eg. a right of way (which can generally be claimed by express grant or prescription). An appurtenant right to another must be related to the needs or use of the dominant tenement. For this reason an exclusive right to grazing, or taking timber, or fishing without limit, cannot exist as appurtenant to another property.
(Curzon, 1983, p. 21)

DIST appendant (adj.)

appurtenant right **droit dépendant**

CONT The rights that are attached to land are incorporeal hereditaments. They include ... rights which are not naturally and originally appendant to land, but have become attached to the land by grant or prescription, and which may be said to be "appurtenant" rights.
(Adkin, Copyhold and Other Land Tenures of England, 3rd ed. 1919, p. 83)
CONT A right annexed to the ownership of a particular piece of land by grant or prescription is a profit à prendre appurtenant. An appurtenant right must relate to the needs or use of the dominant tenement. An exclusive unlimited right, however, is unknown to the law whether the right is claimed by express grant or prescription.
(Anger & Honsberger, 2nd ed. 1985, p. 975)

SYN right appurtenant
DIST appendant right
right appendant
right in gross
VOIR (right)
appurtenant (adj.)

artificial accession **accession artificielle**

CONT Artificial or industrial accession is the addition to the value of a subject by human art or labour exercised thereon, as by trees planted or buildings erected, as distinct from natural accession.
(Oxford Companion to Law, 1980, p. 8)

ANT natural accession
VOIR accession (1°)
(industrial accession)

avulsion **avulsion**

DEF Removal, by the sudden and perceptible action of water, of soil from one person's land and its deposit on another's. Ownership of such soil does not change, as is general in the case of accretion.
(Curzon, 1983, p. 31)

DIST alluvion (1°)
alluvio
accretion

bail (v.) **bailler**

DEF [T]o deliver (personal property) to another under an agreement express or implied that some special purpose be accomplished by the bailee with respect to the property and that at some time the property be returned to the bailor.
(Webster's, 1976)
CONT [M]ediaeval law had "but a meagre stock of words" to describe dealings with movable goods. The owner was said to bail (bailler) his chattel "whenever and for whatever purpose" he delivered possession of it to another, although in later times bailment was restricted to cases in which there was no transfer of ownership.
(Crossley Vaines, 5th ed. 1973, p. 71)

DIST deposit (v.)
(deliver (v.))
let (v.)
hire (v.)
lease (v.)
VOIR bailment

bailee **baillaire**

DEF The person to whom a bailment is made.
(Ballentine's, 3rd ed. 1969, p. 119)
DEF In general any person is to be considered as a bailee who otherwise than as a servant either receives possession of a thing from another or consents to receive or hold possession of a thing for another upon an undertaking with the other person either to keep and return or deliver to them the specific thing or to (convey and) apply the specific thing according to the directions antecedent or future of the other person.
(Pollock & Wright, 1888, p. 163)
CONT The bailor is he who has given possession; the bailee is the keeper for safe custody, the carrier, the warehouse keeper, the innkeeper, the tailor making the suit out of his customer's cloth, the pawnbroker, the agisting farmer, the reader of a borrowed book, the hirer or hire purchaser of a motor car, the finder of a lost chattel, and, possibly, the distrainor; the bailee ... may be paid or unpaid.
(Crossley Vaines, 5th ed. 1973, p. 70)

DIST bailor
(deliveree)
depositary
depositee
custodian
lessee
(holder)
(bearer)
VOIR bailment

USAGE dépositaire

bailee for hire **baillaire rémunéré**

DEF A person to whom possession of personal property is transferred and who is compensated for caring for such property.
(Black's, 5th ed. 1979, p. 128)

SYN bailee for reward
lucrative bailee
DIST gratuitous bailee
VOIR bailment for hire
bailee

bailee for reward **baillaire rémunéré**

SYN bailee for hire
lucrative bailee
DIST gratuitous bailee
VOIR bailment for reward
bailee

bailer **baillant**

DEF [A] person who entrusts goods to another person (the bailee) for a specific purpose.
(Jowitt's, 2nd ed. 1977, pp. 176-7)

SYN bailor
DIST bailee
(deliveror)
depositor
lessor
(vendor)
VOIR bailment

bailment **baillement**

DEF Delivery, handing over, or giving for a specific purpose.
(Oxford, 1933)
CONT Bailment is essentially a delivery on terms.... In Termes de la Ley it is written: "Bailment is a delivery of things whether it be of writings, goods or stuff to another, sometimes to be delivered back to the bailor, that is to him that so delivered it, sometimes to the use of the bailee, that is to say, of him to whom it is delivered, and sometimes also it is delivered to a third person."
(Crossley Vaines, 5th ed. 1973, p. 76)
CONT [T]he quintessential characteristic of bailment [is] the division of possession and ownership, a division that results in the coexistence of two property rights - the bailor's title and the bailee's possession - in the same object.
(Mendes da Costa & Balfour, 1982, p. 125)
CONT The bailment may be, and generally is, a contract, e.g., for storage and the like, but it may be independent of contract, as where a man becomes a bailee by finding a chattel and taking it into his possession for safe custody....
(Crossley Vaines, supra, p. 70)

DIST (delivery)
deposit
possession
custody
hire
lease
gift (1°)
(sale)
VOIR bailor
bailee

bailment at will **baillement à discrétion**

CONT An action can be brought against a third party by a bailor [i]f he has a right of immediate possession as where the bailment is at the will of the bailor. The right of immediate possession may be present ab initio as in the case of a simple bailment of chattels for safe custody, or it may arise on the happening of certain events ... upon which the bailment becomes a bailment at will.
(Crossley Vaines, 5th ed. 1973, p. 74)

VOIR bailment

bailment for hire **baillement rémunéré**

DEF A bailment in which the bailee is compensated.
(Ballentine's, 3rd ed. 1969, p. 119)

SYN bailment for reward
lucrative bailment
DIST gratuitous bailment
VOIR bailment

bailment for reward **baillement rémunéré**

CONT The proof rests upon [the bailee] that he took reasonable and proper care for the due security and proper delivery of the bailment, and whether the bailment is for reward or gratuitous ... makes no difference.
(Crossley Vaines, 5th ed. 1973, p. 97)
EX In the case of a bailment for reward there is an implied warranty on the part of the bailor that he has sufficient title to ensure the bailee's possession being undisturbed.
(Crossley Vaines, supra, p. 114)

SYN bailment for hire
lucrative bailment
DIST gratuitous bailment
VOIR bailment

bailor **bailleur**

DEF One who makes a bailment of property.
(Ballentine's, 3rd ed. 1969, p. 119)
CONT In the bailment the title to the goods delivered remains in the bailor, the deliveree or bailee having possession only.
(Brown, 3rd ed. 1975, p. 228)
CONT The bailment may be for the benefit of the bailor, e.g., a deposit, or for that of the bailee, e.g., a loan.
(Crossley Vaines, 5th ed. 1973, p. 70)

SYN bailer
DIST bailee
(deliveror)
depositor
lessor
(vendor)
VOIR bailment

USAGE déposant

bare expectancy **simple expectative**

CONT Certain other types of "interest", such as the bare expectancy ... are not in fact interests in land.
(Anger & Honsberger, 2nd ed. 1985, p. 337)

SYN mere expectancy
DIST (bare possibility)
VOIR expectancy (1°)

bare land condominium (1°) **condominium de terrain nu**

SYN vacant land condominium (1°)
VOIR condominium (1°)

bare land condominium (2°) **condominium de terrain nu**

SYN vacant land condominium (2°)
VOIR condominium (2°)

bare land condominium (3°) **condominium de terrain nu**

SYN vacant land condominium (3°)
VOIR condominium (3°)
bare land unit

bare land unit **unité de terrain nu**

CONT Manitoba's legislation [S.M. 1979, c. 13] provides for bare land units and vacant land developments. Section 1 (a.1) defines "bare land unit" to mean, "a unit defined by delineation of its horizontal boundaries without reference to any buildings on a plan referred to in subsection 6(5). The boundaries of bare land units, unless otherwise shown on a plan referred to in section 6(5), are deemed to extend vertically upward and downward without a limit.
(Anger & Honsberger, 2nd ed. 1985, p. 1871)

SYN vacant land unit
VOIR vacant land condominium (3°)
unit

bare right **simple droit**

CONT "Right" is used by the old writers on real property law in the technical sense of a right which an owner of land had when he had been disseised, so that he had only the right of recovering possession either by entry or action. His estate was then said to be turned to a right. If A was disseised by B, and B died while in possession, so that the land descended to his heir, A could not recover possession by entry, but had to bring a possessory action; if A further suffered a certain time to elapse, or had judgment given against him in a possessory action, he could no longer recover by a possessory action, but only by an action on the right, meaning the right of ownership as opposed to the right to possession. Hence his estate was said to be turned to a mere, bare or naked right. (Jowitt's, 2nd ed. 1977, p. 1583)
NOTE Acception stricte en droit des biens.

SYN mere right
naked right
DIST estate
interest
possessory right
right of possession
right to possession
VOIR right of ownership
(right)

beneficial **bénéficiaire**

DEF Receiving or entitling one to have or receive in one's own right and for one's own benefit an advantage, use, or benefit that need not be monetary.
(Webster's, 1976)
DEF Tending to the benefit of a person; yielding a profit, advantage, or benefit; enjoying or entitled to a benefit or profit. This term is applied both to estates (as a "beneficial interest") and to persons (as "the beneficial owner").
(Black's, 5th ed. 1979, p. 142)

DIST nominal
legal (3°)
VOIR equitable (2°)

beneficial co-ownership **copropriété bénéficiaire**

EX The scheme of the [Law of Property] Act was evidently to impose a trust for sale in all cases of beneficial co-ownership.
(Megarry & Wade, 4th ed. 1975, p. 411)

VOIR co-ownership
beneficial

beneficial enjoyment **jouissance bénéficiaire**

DEF The enjoyment which a man has of an estate in his own right and for his own benefit....
(Black's, 5th ed. 1979, p. 142)
DEF The advantages of the ownership of property, sometimes had without possessing the legal title.
(Ballentine's, 3rd ed 1969, p. 130)

DIST beneficial right of enjoyment
beneficial use
VOIR enjoyment
beneficial

beneficial estate **domaine bénéficiaire**

CONT An estate ... is "beneficial" where the devisee takes solely for his own use or benefit, and not as the mere holder of the title for the use of another.
(Black's, 5th ed. 1979, p. 142)

DIST legal estate
beneficial interest
beneficial right
VOIR equitable estate
beneficial
estate (1°)

beneficial interest (1°) **intérêt bénéficiaire**

DEF The interest of a beneficial owner or beneficiary, as contrasted with a nominal or bare legal owner...
(Jowitt's, 2nd ed. 1977, p. 205)
CONT [T]he vendor [of land] is said to be trustee for the purchaser, and the purchaser to be beneficial owner ... The vendor's trusteeship is of a peculiar kind, for he himself has a beneficial interest which is valuable though temporary.
(Megarry & Wade, 4th ed 1975, p. 575)
CONT The rule of law applying a presumption of advancement in questions of the ownership of property as between husband and wife is abolished and in place thereof the rule of law applying a presumption of a resulting trust shall be applied in the same manner as if they were not married, except that, (a) the fact that property is placed or taken in the name of spouses as joint tenants is prima facie proof that each spouse is intended to have on a severance of the joint tenancy a one-half beneficial interest in the property....
(S.N.B., c. M-1.1, paragr. 15(1))
NOTE Acception générique qui relève de la notion d'"interest (1°)".

DIST legal interest
beneficial right
(beneficial power)
VOIR equitable interest
beneficial
interest (1°)

USAGE droit bénéficiaire
droit à titre bénéficiaire

beneficial interest (2°) **intérêt bénéficiaire**

CONT In the absence of a contrary provision in the settlement, a tenant for life has no power to mortgage or charge the legal estate for his own benefit. If he wishes to raise money for his own use, he can of course do so by mortgaging his beneficial interest, consisting of his life interest, entail or whatever interest he has.
(Megarry & Wade, 4th ed. 1975, p. 339)
NOTE Acception spécifique qui relève de la notion d'"interest (2°)".

DIST (nominal interest)
legal interest
beneficial estate
beneficial right
beneficial title
VOIR equitable interest
beneficial
interest (2°)

beneficial interest in common **intérêt bénéficiaire commun**

VOIR interest in common
beneficial interest
beneficial tenant in common
DIST joint beneficial interest

beneficial joint tenant **tenant conjoint bénéficiaire**

NOTE Acception juridique stricte qui vise le régime de tenance conjointe. Voir aussi la NOTE sous "tenant (1°)".

VOIR joint tenant (1°)
beneficial
joint beneficial interest
DIST beneficial tenant in common

beneficial owner **propriétaire bénéficiaire, titulaire bénéficiaire**

DEF [A] person entitled for his own benefit....
(Megarry & Wade, 4th ed. 1975, p. cxii)
CONT An agreement for the sale of land, if capable of specific performance, operates as an alienation of the vendor's beneficial interest in the property to the purchaser and the purchaser, as beneficial owner, may dispose of the property by sale, mortgage, or otherwise, and may devise it.
(Anger & Honsberger, 2nd ed. 1985, p. 632)

DIST nominal owner
legal owner
beneficiary
VOIR equitable owner
beneficial
owner

beneficial ownership **propriété bénéficiaire**

DEF Beneficial ownership is the right to the enjoyment of a thing as contrasted with the ... nominal ownership.
(Osborn's, 6th ed. 1976, p. 243)
CONT Nominal and beneficial ownership occurs where two persons are owners in respect of one thing, although one of them either cannot derive any benefit from it at all, or has only exactly defined rights over it, while the other has the real benefit of the thing.
(Jowitt's, 2nd ed. 1977, pp. 1301-2)

DIST nominal ownership
legal ownership
beneficial title
VOIR equitable ownership
beneficial
ownership

beneficial right **droit bénéficiaire**

EX In Ontario ... all real property vested in any person without a right in another person to take by survivorship on his death, whether testate or intestate, devolves to and becomes vested in his personal representative as trustee for the persons beneficially entitled thereto.... In the interpretation of any statute or instrument to which the deceased was a party or under which he had an interest, the personal representative is deemed to be his heir, unless a contrary intention appears, but without affecting the beneficial right to any property....
(Anger & Honsberger, 2nd ed. 1985, p. 157)

DIST (nominal right)
legal right (2°)
beneficial interest
beneficial estate
VOIR equitable right
beneficial
(right)

beneficial right of enjoyment **droit de jouissance bénéficiaire**

CONT Although at first the cestui que use was regarded as merely having a right to compel the feoffees to uses to carry out their duties, the rights of the cestui que use were so extensive that it was soon recognized that he had an estate in the land. The legal estate (the bare legal ownership) was in the feoffees to uses, the equitable estate (the beneficial right of enjoyment) in the cestui que use....
(Megarry & Wade, 4th ed. 1975, p. 153)

DIST beneficial enjoyment
beneficial use
VOIR right of enjoyment
beneficial

beneficial tenant in common — **tenant commun bénéficiaire**

EX Where partners acquired land as part of their partnership assets, they were presumed to hold it as beneficial tenants in common.
(Megarry & Wade, 4th ed. 1975, p. 402)
NOTE Référence générale. Voir la NOTE sous "tenant (1°)".

DIST beneficial joint tenant
legal tenant in common
VOIR tenant in common (1°)
beneficial

beneficial title — **titre bénéficiaire**

CONT By the end of the 14th century a large part of English land was held subject to uses, so that the legal title to the land was in one person and the beneficial title to the land in another.
(Anger & Honsberger, 2nd ed. 1985, p. 340)
CONT [Legal title:] [O]ne which is complete and perfect so far as regards the apparent right of ownership and possession, but which carries no beneficial interest in the property, another person being equitably entitled thereto ... full and absolute title or apparent right of ownership with beneficial or equitable title in another....
(Black's, 5th ed. 1979, pp. 807-8).

DIST (nominal title)
legal title
beneficial ownership
beneficial right
beneficial interest
beneficial estate
VOIR equitable title
beneficial
title (2°)

beneficial use **usage bénéficiaire**

DEF The right to use and enjoy property according to one's own liking or so as to derive a profit or benefit from it, including all that makes it desirable or habitable, as light, air, and access; as distinguished from a mere right of occupancy or possession. Such right to enjoyment of property where legal title is in one person while right to such use or interest is in another.
(Black's, 5th ed. 1979, p. 142)

DIST beneficial enjoyment
VOIR use (1°)
beneficial

beneficiary (1°) **bénéficiaire**

DEF A person who receives a benefit or advantage.
(Ballentine's, 3rd ed. 1969, p. 130)
DEF One who benefits from act of another.
(Black's, 5th ed. 1979, p. 142)
DEF One entitled for his own benefit, ie, for whose benefit property is held.
(Curzon, 1979, p. 34)
DEF A person who receives the benefits from the gifts or acts of another, such as one who is designated to receive the proceeds from a will, insurance policy, or trust.
(Reilly, 2nd ed. 1982, p. 49)
NOTE Acception générique.

DIST beneficial owner

USAGE bénéficiaire
ayant droit

cessation of user — **cessation d'usage**

CONT For a cessation of user to amount to an abandonment of a right the person entitled to the right must demonstrate a fixed intention never at any time thereafter to assert the right or to transmit it to another. A cessation of user which excludes an inference of actual enjoyment as of right for the full statutory period is fatal at whatever portion of the period the cessation occurs. A cessation of user that does not exclude such inference, is not fatal, even though it occurs at the beginning or end of the period. The only difference is that if the non-user occurs at the end of the period there can be no subsequent user to explain it and the inference of actual enjoyment for the full period next before action is more difficult to draw than in other cases.
(Anger & Honsberger, 2nd ed. 1985, p. 946)

DIST (non-user)
VOIR user

class splitting — **fractionnement de catégorie**

CONT Under the common law rule, a class gift had to be able to vest within the perpetuity period in its entirety. If the interests of some members might vest outside the period, even though the interests of other members would vest in time, the gift was wholly void. The statutes, however, provide that in such a situation the class may be split, by excluding those persons whose interests do not in fact vest in time. As at common law, the class closing rules are permitted to operate first and they may save the gift. Under the statutes one then uses the wait and see principle and the age reduction provision. After that class splitting is permitted.
(Anger & Honsberger, 2nd ed. 1985, p. 536)

DIST class-closing
VOIR class
class gift

commingling (n.) **mélange**

CONT The doctrine of intermixture only applies where there is a commingling of substance and the parts are no longer distinguishable; not to a mere confusion of goods which leaves separation possible. Thus it applies to corn, oil, wine, etc, including logs of timber; not to books in a library, tables, chairs and the like.
(Crossley Vaines, 5th ed. 1973, p. 434)
NOTE Terme de soutien.

DIST confusion
confusion of goods
merger
VOIR admixture
commixture
intermixture
intermingling (n.)
mingling (n.)
accession (1°)

commixtio **commixtion**

SYN commixtion
commixture
DIST admixture
confusion
confusion of goods
intermixture
merger
VOIR commingling (n.)
intermingling (n.)
mingling (n.)
accession (1°)

commixtion **commixtion**

CONT The mingling of dry or solid substances belonging to different owners.
(Ballentine's, 3rd ed. 1969, p. 225)

SYN commixtio
commixture
DIST admixture
confusion
confusion of goods
intermixture
merger
VOIR commingling (n.)
intermingling (n.)
mingling (n.)
accession (1°)

commixture **commixtion**

CONT [Confusion:] In the Roman law, this was one of the recognized methods of accession or accessio. It denoted the admixture of liquids, as distinguished from the admixture of solid matters, the latter being known as commixture. Both terms have been adopted by our law.
(Byrne, 1923, p. 225)

SYN commixtio
commixtion
DIST admixture (1°)
confusion
confusio
VOIR intermixture
accession (1°)

commodatum **commodatum** *

[* NOTE Terme latin.]

DEF The gratuitous loaning of personal property to be used by the bailee and returned in specie.
(Ballentine's, 3rd ed. 1969, p. 225)
CONT He who lends to another a thing for a definite time, to be enjoyed and used under certain conditions without any pay or reward, is called commodans; the person who receives the thing is called commodatarius, and the contract is called commodatum. It differs from locatio and conductio in this, that the use of the thing is gratuitous.
(Jowitt's, 2nd ed. 1977, p. 386)

DIST locatio conductio
locatio et conductio
locatum
mandatum
depositum
vadium
hire (n.)
VOIR bailment

common appendant — commonage annexe, droit de commonage annexe

DEF In old English law, a right annexed to the possession of arable land, by which the owner is entitled to feed his beasts on the lands of another, usually of the owner of the manor of which the lands entitled to common are a part.
(Black's, 5th ed. 1979, p. 249)

DIST common appurtenant
common in gross
common at large
VOIR common (1°)
appendant (adj.)
common of pasture appendant

common appurtenant — **communage dépendant, droit de communage dépendant**

DEF A right of feeding one's beasts on the land of another (in common with the owner or with others), which is founded on a grant, or a prescription which supposes a grant.
(Black's, 5th ed. 1979, p. 249)

DIST common appendant
common in gross
common at large
VOIR common (1°)
appurtenant (adj.)
common of pasture appurtenant

common at large — **communage indépendant, droit de communage indépendant**

DEF Common in gross, or at large, is such as is neither appendant nor appurtenant to the land, but is annexed to a man's person, being granted to him and his heirs by deed, or claimed by prescriptive right.
(Mozley and Whiteley's, 7th ed. 1962, p. 70)

SYN common in gross
right of common in gross
DIST common appendant
common appurtenant
VOIR common (1°)

common in gross — **communage indépendant, droit de communage indépendant**

DEF A species of common which is neither appendant nor appurtenant to land, but is annexed to a man's person, being granted to him and his heirs by deed; or it may be claimed by prescriptive right, as by a person of a church or the like corporation sole. It is a separate inheritance, entirely distinct from any other landed property, vested in the person to whom the common right belongs.
(Black's, 5th ed. 1979, p. 249)

SYN right of common in gross
common at large
DIST common appendant
common appurtenant
VOIR common (1°)

common law future interest — **intérêt futur en common law**

CONT At common law the creation of future interests was severely restricted.... [T]he only future interests possible at common law were the reversion, the vested remainder and the possibility of reverter and the right of entry for condition broken.... In Manitoba common law future interests have been abolished. Such interests now take effect in equity behind a trust.
(Anger & Honsberger, 2nd ed. 1985, pp. 338-9)

SYN legal future interest
DIST equitable future interest
legal executory interest
VOIR future interest
common law (adj.) (3°)

common of pasture appendant — **communage de pâture annexe**

CONT Common of pasture appendant is the right which every freehold tenant of a manor possesses to feed his commonable beasts, such as litter, plough, or manure the arable land granted (i.e., horses, cattle and sheep) upon the lord's waste, provided they are levant and couchant on the tenant's freehold land.... The right of common appendant cannot be created since the statute Quia Emptores, 1289, that statute having prohibited the creation of new manors; and the land to which such a right is appendant must originally have been arable.
(Jowitt's, 2nd ed. 1977, p. 387)

DIST common of pasture appurtenant
common of pasture in gross
VOIR common appendant
common of pasture
appendant (adj.)

common of pasture appurtenant — **communage de pâture dépendant**

CONT Common of pasture appurtenant is a right annexed to certain lands, by virtue of which the owner of those lands feeds cattle on the soil of another person; it differs from the right of common appendant in all the characteristics which arise from the connection of the latter with the socage tenure of ancient arable land in a manor; it may, therefore, be held by holders of estates formerly copyhold or by strangers to a manor, and may arise by grant or prescription since Quia Emptores, 1289, and is not necessarily confined to such beasts as are generally commonable but may extend to swine, goats or geese.
(Jowitt's, 2nd ed. 1977, p. 387)

DIST common of pasture appendant
common of pasture in gross
VOIR common appurtenant
common of pasture
appurtenant (adj.)

common of pasture in gross — **communage de pâture indépendant**

CONT Common of pasture in gross is so called "for that it appertaineth to no land, and must be by writing or prescription". It is neither appendant nor appurtenant to land, but is a separate inheritance, entirely distinct from any landed property, and may be vested in one who has not a foot of land in the manor. It may commence at this day by grant or be acquired by prescription.
(Halsbury, 3rd ed., Vol. 5, p. 309)

DIST common of pasture appurtenant
common of pasture appendant
VOIR common of pasture
common in gross

common part (1°) — **partie commune**

CONT The obligation to repair the common parts of a block of flats will normally fall on the landlord or some party other than the individual flat-owners. That third party may be a tenants' company, which is effectively a tenants' cooperative. Although commonly such a company is formed to hold the reversions to the leases of the individual flats, it may operate simply to provide the services required including repairs to the common parts. It may also be the leaseholder of the common parts.
(Aldridge, The Law of Flats, 1st ed. 1982, p. 38)

SYN common area (1°)
DIST flat
unit
apartment
VOIR common property (1°)
common elements (1°)

common part (2°) **partie commune**

CONT "Common parts", in relation to a dwelling-house let under a tenancy, means any part of a building comprising the dwelling-house and any other premises which the tenant is entitled under the terms of the tenancy to use in common with the occupiers of other dwelling-houses let by the landlord.
(U.K. Housing Act 1985, s. 116)

SYN common area (2°)
common property (4°)
DIST common property (1°) & (3°)
common elements

complete divestment **retranchement total**

CONT Vested remainders may be further subdivided into three types, viz., (i) those that are vested absolutely, (ii) those that are vested subject to partial divestment, and (iii) those that are subject to complete divestment.
(Anger & Honsberger, 2nd ed. 1985, pp. 391-2)
CONT [I]n a devise "to A for life, remainder to B in fee simple, but if B leaves no issue him surviving, then to C in fee simple", B's remainder is vested but is subject to complete divestment on the stated contingency.
(Anger & Honsberger, supra, p. 352)
NOTE Voir la NOTE sous "divestment".

DIST partial divestment
VOIR divestment
(complete defeasance)

composite class **catégorie composée**

CONT For a gift to be classified as a class gift the generic description of the group intended to be benefited must usually cover all possible members of the group. However, this does not exclude a gift to a composite class, for instance, a gift "to the children of A and the children of B", or "to the children of A who attain 25 and the issue of such children as die under that age".
(Feeney, 1982, Vol. 2, p. 155)
CONT A gift to a composite class is also created when the contingencies applicable to different members vary, as where there is a gift "to A for life, remainder to his children equally, if sons, at age 25 and, if daughters, at age 21 or when they marry".
(Anger & Honsberger, 2nd ed. 1985, p. 474)

VOIR class

conditional limitation (1°) **délimitation conditionnelle**

CONT The term conditional limitation is sometimes used generically to denote any kind of qualified limitation in the derivative sense; any kind of limitation, in the derivative sense, which depends upon a condition, in contradistinction to an absolute limitation; or to denote an indirect special limitation, in contradistinction to a direct special limitation.
(Fearne, 10th ed. 1844, p. 50)
CONT A conditional limitation is where one interest is limited to end and another to commence on the doing of some act or the happening of some event.
(Jowitt's, 2nd ed. 1977, p. 1102)
NOTE Acception large.

ANT (absolute limitation)
DIST contingent limitation
executory limitation
(determinable limitation)
VOIR (qualified limitation)
limitation (2°)

conditional limitation (2°) **délimitation conditionnelle**

DEF A condition followed by a limitation over to a third person in case the condition be not fulfilled or there be a breach of it.
(Black's, 5th ed. 1979, p. 835)
DEF A conditional limitation, in the specific sense, is a proviso, by way of use or devise, for the annihilation of an interest of the measure of freehold under a preceding limitation, in a particular event which is unconnected with the original quantity of that interest, and which may not happen till after such interest has become vested; and for the creation of a new interest in its stead, in favour of another person.
(Fearne, 10th ed. 1844, p. 51)
DEF [I]n the specific and more accurate use of the term, a conditional limitation is where an interest is limited to commence in defeasance of a preceding interest as opposed to a contingent remainder, which awaits the regular determination of the preceding interest.
(Jowitt's, 2nd ed. 1977, p. 1102)
CONT [W]ords of express condition are not ordinarily construed as a limitation unless there is a limitation over, so that, if strict words of condition are used but if, on breach of the condition, the estate is limited to a third person and does not revert to the grantor, the words are construed as a conditional limitation and not a condition.
(Anger & Honsberger, 2nd ed. 1985, p. 309)
NOTE Acception restreinte.

DIST (absolute limitation)
contingent limitation
executory limitation
(determinable limitation)
condition
condition subsequent
conditional interest
VOIR limitation (2°)

conditional right — **droit conditionnel**

DEF Right to something subject to a condition....
(Black's, 5th ed. 1979, p. 267)

DIST absolute right
limited right
qualified right
conditional interest
conditional estate
VOIR (right)
condition

condominium apartment owner — **propriétaire d'appartement condominial**

CONT Perhaps the most outstanding advantage which the condominium apartment owner has over the cooperative shareholder is pshychological; a mode of occupancy which unites the benefits of home ownership with apartment tenancy. By contrast, perhaps the most serious disadvantage of the cooperative shareholder is the fact that title to the property remains at all times in the corporation....
(Ferrer & Stecher, 1967, Vol. 1, p. 13)

DIST flat owner
VOIR condominium apartment
condominium owner
apartment owner

condominium interest — **intérêt condominial**

CONT A condominium interest is realty; the established law of real property is [therefore] ... applicable to condominium units.
(Pavlich, 1983, p. 4)

VOIR condominium (1°)
interest (1°)

condominium owner — **propriétaire de condominium**

CONT Condominium ownership is popular in many urban and resort areas due to the general scarcity of desirable and usable land and the advantages of fee ownership and apartment living.... Each condominium owner has exclusive ownership of his or her individual unit but must, nevertheless, comply with the requirements of the declaration, bylaws, and house rules set up for the protection and comfort of all the condominium owners. (Reilly, 1977, p. 88)

DIST flat owner
apartment owner
condominium apartment owner
VOIR condominium ownership

condominium property — **bien condominial, propriété condominiale**

CONT The one factor common to all condominiums is that the condominium property must be freehold. (Burns & McLellan, 1981, p. 2)

DIST common property
Joint property
VOIR condominium (1°)
property (1°)

condominium title (1°) **titre condominial**

CONT [T]he [Condominium Act of British Columbia] sets up an administrative apparatus to enable efficacious management and a modus operandi to achieve harmony in an environment that is inherently communal. This has given rise to a number of "incidents" in addition to, or, in modification of, those provided by the common law. The term used in this book to describe the regime is a "condominium title" or a "strata title".
(Pavlich, 1983, p. 4)

VOIR condominium (1°)
title (2°)

condominium title (2°) **titre condominial**

VOIR condominium (1°)
title (3°)

condominium title (3°) **titre condominial**

VOIR condominium (1°)
title (4°)

conductor **baillaire-locataire**

CONT [W]hen goods are left for hire with the bailee to be used by him; this is called locatio et conductio, ... and the borrower conductor....
(Jowitt's, 2nd ed. 1977, p. 176)

DIST locator
VOIR locatio et conductio

confusio **confusio ***

[* Terme latin.]

VOIR confusion
DIST merger
adjunctio
adjunction
commixtio
commixtion
commixture
admixture
intermixture

confusion confusion

CONT Confusion, where goods of two persons are so intermixed that the several portions can no longer be distinguished....
(Jowitt's, 2nd ed. 1977, p. 418)

DIST intermixture
commixtion
commixture
commixtio
adjunction
adjunctio
admixture
mingling (n.)
commingling (n.)
intermingling (n.)
merger
VOIR confusion of goods

confusion of goods **confusion d'objets**

CONT Results when goods belonging to two or more owners become intermixed to the point where the property of any of them no longer can be identified except as part of a mass of like goods.
(Black's, 5th ed. 1979, p. 272)

DIST intermixture
commixtion
commixture
commixtio
adjunction
adjunctio
admixture
mingling (n.)
commingling (n.)
intermingling (n.)
merger
VOIR confusion

constructive bailee **baillaire de droit**

VOIR constructive bailment
bailee
involuntary bailee
quasi-bailee
DIST actual bailee

constructive bailment **baillement de droit**

DEF The holding of a chattel under such circumstances that the law imposes upon the person in possession the obligation to deliver the chattel to another.
(Ballentine's, 3rd ed. 1969, p. 255)
CONT In ... situations involving possession by one of another's goods without mutual consent but without initial wrongdoing on the possessor's part, courts have placed great importance on how the relationship is labelled or characterized. Sometimes the term used is "constructive bailment", which usually connotes a recognition that the relationship really is not a bailment together with a determination that the law of bailments shall be applied nonetheless.
(Brown, 3rd ed. 1975, p. 320)

DIST actual bailment
(constructive delivery)
VOIR involuntary bailment
quasi-bailment
bailment

constructive entry **entrée de droit**

CONT [A]n entry in law is a constructive or fictitious entry. Thus, where a man made a charter of feoffment, and delivered seisin within the view, and the feoffee dared not enter for fear of death, but claimed the same, this vested the freehold and inheritance in him.
(Jowitt's, 2nd ed. 1977, p. 706)
NOTE [Constructive:] That which has not the character assigned to it in its own essential nature, but acquires such character in consequence of the way in which it is regarded by a rule or policy of law....
(Black's, 5th ed. 1979, p. 283)
NOTE Acception stricte en droit des biens. Voir la NOTE sous "entry (1°)".

DIST actual entry
VOIR (entry in law)
entry (1°)

contingency (1°) **éventualité**

DEF An event conceived or contemplated as of possible occurrence in the future. A possible or uncertain event on which other things depend or are conditional.
(Oxford, 1933)
DEF A contingency is some future event which may or may not occur....
(Words and Phrases/U.S., Vol. 9, p. 101)
CONT [I]n one sense a contingent remainder is future, but is not an interest: it is only a possibility that an interest may arise if some contingency happens.
(Megarry & Wade, 4th ed. 1975, p. 177)
CONT It is in most cases obvious whether or not a remainder is made subject to a contingency; but there are some apparently conditional phrases which do not create legal contingencies, and some apparently unconditional remainders which are nevertheless contingent. For example, a limitation "to A in tail, but if A's issue should at any time fail then to B in fee simple" gives B a vested remainder, for the phrase beginning "but if" adds no contingency other than the inevitable possibility that A's entail may come to its natural end....
(Megarry & Wade, 4th ed. 1975, p. 175)

DIST condition
possibility
expectancy
(defeasance)
divestment
VOIR contingent

contingency (2°) **éventualité**

DEF A thing or condition of things contingent or dependent upon an uncertain event.
(Oxford, 1933)
CONT [I]n determining whether the contingency is incapable of vesting beyond the perpetuity period, you can take into account the operation of the common law rule that requires a continuous and immediate passage of seisin.
(Mendes da Costa & Balfour, 1982, p. 801)
CONT [T]he "rule in Purefoy v. Rogers" ... provides that, where a contingency is limited to depend upon an estate of freehold which is capable of supporting a remainder, it shall never be construed as an executory interest but, rather, as a contingent remainder only.
(Mendes da Costa & Balfour, supra, p. 744)
NOTE Acception qui désigne l'intérêt, le droit, etc. qui dépendent d'une contingency au sens (1°).

DIST possibility
expectancy
future interest
executory interest
conditional interest
VOIR contingent interest

contingency with a double aspect (1°) — **éventualité à double aspect**

CONT An alternative limitation is a sentence which creates an interest that is only to vest in case the next preceding interest should never vest in any way, through the failure of the contingency on which such preceding interest depends.... These limitations, or the gifts made by them, considered in conjunction with those for which they are substitutionary, are sometimes termed contingencies with a double aspect....
(Fearne, 10th ed. 1844, p. 43)

VOIR alternative contingency (1°)
contingency (1°)
(limitation upon a double aspect)
double contingency

contingency with a double aspect (2°) — **éventualité à double aspect**

NOTE Acception qui désigne l'intérêt, le droit, etc. qui dépendent d'une contingency with a double aspect au sens (1°).

DIST double contingency
(limitation upon a double aspect)
VOIR contingency (2°)
(contingent remainder upon a double aspect)

contingent **éventuel**

DEF Possible, but not assured; doubtful or uncertain; conditioned upon the occurrence of some future event which is itself uncertain, or questionable.... This term, when applied to a use, remainder, devise, bequest, or other legal right or interest, implies that no present interest exists, and that whether such interest or right ever will exist depends upon a future uncertain event.
(Black's, 5th ed. 1979, p. 290)
CONT An interest may thus be said to be vested if, (a) it is limited to a person who is in existence, (b) it is limited to a person who is ascertained, and (c), it is not subject to a condition precedent. An interest is contingent or executory if it does not satisfy one of these three criteria, for in that case it is not presently capable of falling into possession upon the natural determination of all preceding interests.
(Anger & Honsberger, 2nd ed. 1985, p. 350)

DIST vested (adj.)
(conditional)
executory
VOIR contingency

contingent appointment **nomination éventuelle**

VOIR appointment (1°)
contingent

contingent bequest (1°) **legs éventuel de biens personnels, legs éventuel**

DEF A legacy which is intended by the testator to vest only in the event and upon condition of the happening of a contingency named therein.
(Ballentine's, 3rd ed. 1969, p. 260)
NOTE Acception spécifique.
NOTE Cas d'emploi du second équivalent : a) le terme est qualifié par l'indication de la chose ou de la catégorie léguée; b) la spécificité de l'équivalent ressortira de quelque autre façon sans qu'il soit nécessaire de l'exprimer; c) le terme anglais se présente dans le doublet "contingent bequest(s) or (and) devise(s)" ou dans le groupe "contingent bequest(s), devise(s) or (and) legacy(ies)".

SYN contingent legacy (1°)
DIST vested bequest
executory bequest
contingent devise
contingent legacy (2°) & (3°)
VOIR bequest (1°)
contingent

contingent bequest (2°) **legs éventuel**

NOTE Acception large qui vise indifféremment les notions désignées par "contingent bequest (1°)", "contingent devise" et "contingent legacy (1°) et (2°)".

SYN contingent legacy (3°)
DIST vested bequest
executory bequest
contingent devise
contingent legacy (1°) & (2°)
VOIR bequest (2°)
contingent

contingent devise — **legs éventuel de biens réels, legs éventuel**

CONT Devises are contingent or vested; that is, after the death of the testator. Contingent, when the vesting of any estate in the devisee is made to depend upon some future event, in which case, if the event never occur, or until it does occur, no estate vests under the devise.
(Black's, 5th ed. 1979, p. 407)
NOTE Cas d'emploi du second équivalent : a) le terme est qualifié par l'indication de la chose ou de la catégorie léguée; b) la spécificité de l'équivalent ressortira de quelque autre façon sans qu'il soit nécessaire de l'exprimer; c) le terme anglais se présente dans le doublet "contingent devise(s) or (and) bequest(s)" ou dans le groupe "contingent devise(s), bequest(s) or (and) legacy(ies)".

DIST vested devise
executory devise
contingent bequest
contingent legacy
VOIR devise (1°)
contingent

contingent devisee — **légataire éventuel de biens réels, légataire éventuel**

NOTE Le second équivalent est la forme elliptique du premier. Il s'emploiera dans les contextes analogues à ceux prévus dans la NOTE sous "contingent devise".

VOIR devisee
contingent
contingent devise
DIST executory devisee
contingent legatee

contingent estate **domaine éventuel**

DEF An estate limited so that the person to whom or the event upon which it is to take effect remains uncertain. (Ballentine's, 3rd ed. 1969, p. 260)
CONT "Strictly speaking, there cannot be a contingent estate; there may be a contingent interest; but no interest except such as is vested is accurately termed an estate". (Anger & Honsberger, 1959, p. 137)

DIST vested estate
executory estate
future estate
present estate
expectant estate
contingent interest
contingent right
VOIR estate (1°)
contingent

contingent executory interest **intérêt éventuel non réalisé**

CONT An executory interest is the seisin, property, or ownership, or a portion thereof, of the measure of freehold, not yet acquired by the person who is said to have such executory interest, but appointed by the terms of a grant or devise to be acquired by and to reside in him in a certain or contingent event. And when such event is certain, the interest is a certain executory interest[;] when the event is contingent, the interest is a contingent executory interest.
(Fearne, 10th ed. 1844, pp. 28-9)
NOTE Dans l'équivalent normalisé, l'élément "non réalisé" se voit attribuer une vocation technique selon laquelle il désigne ce qui est à réaliser.

ANT (certain executory interest)
DIST contingent future interest
VOIR executory interest (2°)
contingent

contingent future interest **intérêt futur éventuel**

CONT A future interest in land is contingent while the person in whom, or the event upon which, it is limited to take effect remains uncertain.
(Cartwright, 1972, p. 200)

DIST contingent executory interest
executory interest
expectant interest
future interest
conditional interest
qualified interest
determinable interest
defeasible interest
vested interest

VOIR future interest
contingent interest
contingent

contingent gift — **donation éventuelle, don éventuel**

CONT The general principle with which construction commences is that all words importing futurity, whether conditional or merely temporal, make a gift prima facie contingent. Thus, where property is given to a person "if", or "provided that", a specified event occurs, the gift will be contingent, but it will also be contingent if words such as "at", or "upon" the occurrence of the event, or "when", "as", or "from and after" its occurrence are used. Hence, a gift "to A when he shall attain the age of 25 years", is prima facie contingent.
(Anger & Honsberger, 2nd ed. 1985, p. 364)

CONT When futurity is annexed to the substance of the gift and the right to receive the gift is postponed until after, and is made to depend on the happening of a named event or condition, and the only words of gift are a direction to a trustee to pay and distribute or divide and pay over at a future time or upon happening of a specified event, the gift is "contingent" and vests in the future, and the survival of the donee until the time of payment is a condition precedent to his right to receive the gift.
(Words and Phrases/U.S., Vol. 9, p. 229)

DIST vested gift
executory gift
VOIR gift (1°)
contingent

contingent interest **intérêt éventuel**

DEF A "contingent interest" is one in which there is no present fixed right of either present or future enjoyment....
(Words and Phrases/U.S., Vol. 9, p. 127)
CONT By contrast with a vested interest, a contingent interest is one which will give no right at all unless or until some future event happens.
(Megarry & Wade, 4th ed. 1975, p. 173)
CONT Vested interests, in the context of real property, are estates in land. Contingent and executory interests are not, but may become so upon the happening of a contingency, the performance of some condition, or the ascertainment or birth of the person to whom it is limited. An interest may thus be said to be vested if, (a) it is limited to a person who is in existence, (b) it is limited to a person who is ascertained and (c) it is not subject to a condition precedent. An interest is contingent ... if it does not safisfy one of these three criteria, for in that case it is not presently capable of falling into possession upon the natural determination of all preceding interests.
(Anger & Honsberger, 2nd ed. 1985, p. 350)

DIST vested interest
executory interest
(executed interest)
future interest
present interest
expectant interest
conditional interest
qualified interest
determinable interest
defeasible interest
contingent estate
contingent right

VOIR interest
contingent
contingent future interest

USAGE droit éventuel

contingent legacy (1°) — **legs éventuel de biens personnels, legs éventuel**

DEF A legacy made dependent upon some uncertain event. (Black's, 5th ed. 1979, p. 802; Words and Phrases/U.S., Vol. 9, p. 235)

NOTE Cas d'emploi du second équivalent : a) le terme est qualifié par l'indication de la chose ou de la catégorie léguée; b) la spécificité de l'équivalent ressortira de quelque autre façon sans qu'il soit nécessaire de l'exprimer; c) le terme anglais se présente dans le doublet "contingent legacy(ies) or (and) devise(s)" ou dans le groupe "contingent legacy(ies), devise(s) or (and) bequest(s)".

SYN contingent bequest (1°)

DIST vested legacy (1°)
contingent bequest (2°)
contingent devise

VOIR legacy (1°)
contingent

contingent legacy (2°) **legs éventuel de somme d'argent**

CONT [I]f it is clear from the language of the will that the attainment of a certain age is made a condition precedent to the vesting of a legacy, such legacy will be contingent notwithstanding a gift of the legacy distinct from the direction to pay; so that a gift to A, to be paid in case he attained the age of twenty-one and not otherwise, is contingent upon A's attaining that age. (Jarman on Wills, 8th ed. 1951, p. 1390)
CONT Where condition is attached to legacy and not merely to its payment, legacy is "contingent" and will not vest until condition is performed....
(Words and Phrases/U.S., Vol. 9, p. 234)
NOTE Acception restreinte.

DIST vested legacy (2°)
contingent bequest
contingent devise
VOIR legacy (2°)
contingent

contingent legacy (3°) **legs éventuel**

NOTE Acception large qui vise indifféremment les notions désignées par "contingent bequest (1°)", "contingent devise" et "contingent legacy (1°) et (2°)".

SYN contingent bequest (2°)
DIST vested legacy (3°)
contingent bequest (1°)
contingent devise
VOIR legacy (3°)
contingent

contingent legatee (1°) légataire éventuel de biens personnels, légataire éventuel

NOTE Le second équivalent est la forme elliptique du premier. Il s'emploiera dans les contextes analogues à ceux prévus dans la NOTE sous "contingent legacy (1°)".

VOIR contingent legacy (1°)
legatee
contingent
DIST contingent devisee

contingent legatee (2°) légataire éventuel de somme d'argent

NOTE Acception restreinte.

DIST contingent devisee
VOIR contingent legacy (2°)

contingent legatee (3°) légataire éventuel

NOTE Acception large qui vise indifféremment les notions désignées par "contingent devisee" et "contingent legatee (1°) et (2°)".

DIST contingent devisee
VOIR contingent legacy (3°)
legatee
contingent

contingent limitation **délimitation éventuelle**

EX When a remainder in fee is limited upon any estate which would by the common law be adjudged a fee tail, such a remainder is valid as a contingent limitation upon a fee....
(Black's, 5th ed. 1979, p. 835)

DIST conditional limitation
(determinable limitation)
executory limitation
(absolute limitation)
VOIR limitation (2°)

contingent remainder **résidu éventuel**

DEF A contingent remainder is a remainder limited so as to depend on an event or condition, which may never happen or be performed, or which may not happen or be performed till after the determination of the preceding estate.
(Fearne, 10th ed. 1844, p. 3; Jowitt's, 2nd ed. 1977, p. 444)
CONT A contingent remainder is not an estate, but merely an interest in land for it is not yet vested, and may never vest.... A contingent remainder is one which is either limited to an unborn or unascertained person, or to an ascertained person on an uncertain event....
(Anger & Honsberger, 2nd ed. 1985, p. 398)
DEF A contingent remainder, on the other hand, is one that is so limited as not to be capable of taking effect in possession or enjoyment, on the certain determination of the particular estate, without the concurrence of some collateral contingency.
(Fearne, 10th ed. 1844, p. 62)

DIST vested remainder
executory remainder
(contingently vested remainder)
VOIR remainder
contingent

USAGE droit réversible éventuel

contingent remainder in fee **résidu en fief éventuel**

CONT [I]n a grant "to A for life, remainder to such of A's children as shall attain the age of 21, and for want of such issue, to B in fee", the remainders of A's children and B are contingent. A's children's interest cannot be regarded as vested, for then B's contingent remainder in fee would operate so as to defeat a vested fee simple which the law does not permit....
(Anger & Honsberger, 2nd ed. 1985, p. 401)

DIST vested remainder in fee
contingent remainder in fee simple
VOIR remainder in fee
contingent

contingent remainder in fee simple **résidu en fief simple éventuel**

CONT If there is a limitation to several persons for their lives with remainder in fee simple to the heirs of the survivor, the life tenants are joint tenants for their lives and the survivor has a contingent remainder in fee simple.
(Anger & Honsberger, 2nd ed. 1985, p. 400)

DIST vested remainder in fee simple
contingent remainder in fee
VOIR remainder in fee simple
contingent

contingent remainderman **résiduaire éventuel**

DEF The party in whom the contingent remainder will vest, if in fact it ever vests.
(Cartwright, 2nd ed. 1972, p. 201)
CONT [A]lthough a contingent remainderman acquires no estate, he is considered to hold an interest, a future interest, in land. At common law, a contingent remainder was regarded merely as a possibility, albeit a possibility coupled with an interest. The possibility is that, if the contingency occurs, the contingent remainderman will thereupon become entitled to an estate in land; that is, to a present vested interest.
(Mendes da Costa & Balfour, 1982, p. 740)

DIST vested remainderman
VOIR remainderman
contingent

contingent residuary legacy **legs éventuel du reliquat de biens personnels, legs éventuel du reliquat**

NOTE Cas d'emploi du second équivalent : a) le terme est qualifié par l'indication de la chose ou de la catégorie léguée; b) la référence spécifique aux biens personnels ressortira de quelque autre façon sans qu'il soit nécessaire de l'exprimer.

VOIR contingent legacy (1°)
residuary legacy

contingent residuary legatee — **légataire éventuel du reliquat de biens personnels, légataire éventuel du reliquat**

NOTE Le second équivalent est la forme elliptique du premier. Il s'emploiera dans les contextes analogues à ceux prévus dans la NOTE sous "contingent residuary legacy".

VOIR contingent legatee (1°)
residuary legatee

contingent right — **droit éventuel**

DEF A right is "contingent" not vested, when it comes into existence only on an event or condition which may not happen.
(Words and Phrases/U.S., Vol. 9, p. 159)

DIST vested right
future right
expectant right
conditional right
qualified right
contingent interest
contingent estate
VOIR contingent
(right)

corporeal **corporel**

DEF A term descriptive of such things as have an objective, material existence.
(Black's, 5th ed. 1979, p. 310)
CONT It has been pointed out that the distinction between corporeal and incorporeal hereditaments is meaningless and confusing in that, in law, a property interest is only a right of ownership which, as a right, is incorporeal never corporeal, although the object of the right may be either corporeal or incorporeal.
(Anger & Honsberger, 2nd ed. 1985, pp. 10-11)

ANT incorporeal
DIST (corporal)

corporeal land **fonds de terre, terrain**

CONT Incorporeal hereditaments are rights of property of certain special classes. Their distinguishing feature is that the law of real property applies to them, just as it applies to corporeal land.
(Megarry & Wade, 4th ed. 1975, p. 787)
CONT [A] right of entry and a possibility of reverter are probably simply attenuated forms of ownership of corporeal land, not incorporeal hereditaments in themselves.
(Megarry & Wade, supra, pp. 788-9)
NOTE Le terme vise la terre considérée comme objet de propriété.

DIST land (3°)
tenement (1°)
corporeal hereditament
VOIR land (2°)

custodian **gardien**

DEF General term to describe anyone who has charge or custody of property, papers, etc.
(Black's, 5th ed. 1979, p. 347)
DEF A person whose duty it is to watch, guard, and account for that which is committed to his custody.
(Ballentine's, 3rd ed. 1969, p. 300)

SYN custodier
DIST bailee
depositee
possessor
(guardian)
(holder)
(bearer)
VOIR custody

USAGE gardien
dépositaire

custodier **gardien**

DEF One who has the custody of anything; a custodian.
(Oxford, 1933)
EX The lien terminates upon delivery by the seller to a carrier or other bailee or custodier for transmission to the buyer without a right of disposal having been reserved.
(Crossley Vaines, 5th ed. 1973, p. 335)

SYN custodian
DIST bailee
depositee
possessor
(guardian)
(holder)
(bearer)
VOIR custody

custody **garde**

DEF As applied to property, "custody" means control or care, not possession; the mere putting of one's property in the custody of another does not divest the possession of the owner.
(Ballentine's, 3rd ed. 1969, p. 300)
CONT Where the owner of goods places them in the actual physical control of another but does not intend to relinquish the right, as distinct from the power, of dominion over them, there is no bailment or possession but only a mere custody.
(Brown, 3rd ed. 1975, p. 223)
NOTE Sens propre au droit des biens.

DIST possession
bailment
deposit

dead rent — **redevance fixe**

CONT "A dead rent is the part of the rent reserved on the lease of a mine or other wasting asset which is payable throughout the term, whether or not the mine or whatever, is worked".
(Evans, 1974, p. 111)
CONT When a mine, quarry, brick-works, or similar property is leased, the lessor usually reserves not only a fixed yearly rent but also a royalty or galeage rent, consisting of royalties varying with the quantity of minerals, bricks, etc., produced during each year. In this case the fixed rent is called a dead rent.
(Jowitt's, 2nd ed. 1977, p. 1544)

VOIR fixed rent
rent (1°)

defeasible estate in fee simple — **domaine en fief simple défectible**

VOIR defeasible fee simple
estate in fee simple
DIST defeasible estate in fee tail

defeasible estate in fee — **domaine taillé tail défectible**

VOIR estate in fee tail
defeasible
defeasible fee
DIST defeasible estate in fee simple

deposit (1°) **dépôt**

DEF [A]n act by which a person receives the property of another, binding himself to preserve it and return it in kind.
(Black's, 5th ed. 1979, p. 394)
CONT Where a person provides, expressly or by implied invitation, accommodation for the deposit of goods it is a question of fact whether in all the circumstances the deposit amounts to bailment.
(Crossley Vaines, 5th ed. 1973, p. 79)

DIST bailment
custody
depositum

deposit (2°) **dépôt**

DEF Something intrusted to the care of another, either for a permanent or a temporary disposition.
(Black's, 5th ed. 1979, p. 394)
DEF Money or an article deposited.
(Ballentine's, 3rd ed. 1969, p. 337)
NOTE Sens métonymique dérivé de deposit (1°).

DIST depositum

deposit (3°) **dépôt**

DEF The term is also used to describe a naked bailment of goods to be kept for the bailor without recompense, and to be returned when the bailor shall require it....
(Jowitt's, 2nd ed. 1977, p. 594)

SYN depositum
DIST custody
hire (1°)
let
letting (n.)
rental (1°)
VOIR bailment

deposit (v.) **déposer**

DEF To place in some repository, to commit to the care of any one, for safe keeping.
(Oxford, 1933)

VOIR deposit (1°)
DIST bail (v.)
(deliver (v.))
hire (v.) (1°)
let (v.)

depositary **dépositaire**

DEF A person, firm or corporation receiving a deposit for safekeeping; a depository.
(Ballentine's, 3rd ed. 1969, p. 337)
CONT [P]articular attention needs to be paid to the deposits of fungible goods, with a depositary who, instead of keeping the goods of each depositor separate, places them in common mass. Frequently also, not only are the goods of several depositors so mingled, but often the depositary mingles his own goods with those of the depositors.
(Brown, 3rd ed. 1975, p. 237)

SYN depository (2°)
depositee
DIST depositor
custodian
bailee
(deliveree)
VOIR deposit (1°)

depositee **dépositaire**

DEF A person with whom something is deposited or placed in charge.
(Oxford, 1933)
CONT The general rule, therefore, is that where the lien arises by virtue of work done under a contract between the depositor and depositee, the lien will attach against the owner of the chattel only if he has consented to the transaction giving rise to the lien.... Similarly a bankrupt's deposit of goods would be ineffective to grant the depositee a lien as against the trustee in bankruptcy.
(Crossley Vaines, 5th ed. 1973, p. 142)

SYN depositary
depository (2°)
DIST depositor
bailee
custodian
(deliveree)
VOIR deposit (1°)

depositor **déposant**

DEF One who makes a deposit.
(Black's, 5th ed. 1979, p. 396)
CONT Where grains or other fungible goods are deposited in a common mass, the several depositors become tenants in common of the goods on hand. If, therefore, due to natural causes, or to fraudulent abstractions by the depositary, there is not sufficient grain on hand to satisfy all depositors the loss must be borne by all of them pro rata. No one depositor can claim his entire deposit to the detriment of his codepositors.
(Brown, 3rd ed. 1975, p. 242)

DIST depositee
depositary
depository (2°)
bailor
(deliveror)
VOIR deposit (1°)

depository (1°) **dépôt**

DEF The place where a deposit is placed and kept; e.g. bank, trust company. Place where something is deposited or stored as for safekeeping or convenience.
(Black's, 5th ed. 1979, p. 396)

DIST depositary
VOIR deposit (1°)

depository (2°) **dépositaire**

CONT Depository [means] one with whom anything is lodged ... as "depository" is the place where it is put.
(Jowitt's, 2nd ed. 1977, p. 596)

SYN depositary
depositee
DIST depositor
bailee
custodian
(deliveree)
VOIR deposit (1°)

depositum **depositum** *

[* Terme latin.]

CONT Bailments are of six kinds, the classification being of importance from the different nature of the bailee's liability in each case: (1) a bare naked bailment of goods, where the goods are delivered by one man to another to keep for the use of the bailor; this is called depositum....
(Jowitt's, 2nd ed. 1977, p. 176)

SYN deposit (3°)
DIST deposit (1°) & (2°)
commodatum
locatio custodiae
VOIR bailment

derelict — **objet abandonné, chose abandonnée**

DEF A thing, forsaken or thrown away by its owner, especially a vessel forsaken at sea.
(Mozley & Whiteley's, 7th ed. 1962, p. 109)
DEF Personal property abandoned or thrown away by the owner in such manner as to indicate that he intends to make no further claim thereto.
(Black's, 5th ed. 1979, p. 399)

DIST mislaid goods
lost property
mislaid property
misplaced property

derelict land — **relais**

NOTE [Derelict:] ... said of land left dry by the recession of the sea.
(Oxford, 1933, p. 226)

SYN relicted land
dereliction (3°)
reliction (2°)
DIST accreted land
accretion (4°)
alluvion (2°)
alluvium
VOIR accretion (1°)

dereliction (1°) **abandon**

DEF [T]he act of abandoning a chattel or movable....
(Osborn's, 7th ed. 1983, p. 115)
CONT Dereliction is the act of abandoning a chattel or movable. If one is possessed of a jewel, and casts it into the sea or a public highway, this is such an express dereliction that the property will be vested in the first fortunate finder who seizes it to his own use....
(Jowitt's, 2nd ed. 1977, p. 598)

VOIR derelict

dereliction (2°) **relais**

CONT Accretion may occur either by the deposit of additional soil, silt, etc., by the action of the water (alluvium) or by winddrift, so as in time to create new terra firma, or by a retirement of the water (dereliction) caused by a lowering of water levels or by a change in the course of a river.
(Anger & Honsberger, 2nd ed. 1985, p. 1481)

SYN reliction (1°)
DIST accretion (2°)
alluvion (1°)
VOIR accretion (1°)

dereliction (3°) **relais**

DEF [L]and left dry by running water retiring imperceptibly from one of its shores and encroaching on the other.
(Black's, 5th ed. 1979, p. 399)
DEF The 'abandonment' or leaving dry of land by the sea; concr. the land thus left dry.
(Oxford, 1933, p. 226)
NOTE Sens métonymique dérivé de "dereliction (2°)".

SYN reliction (2°)
relicted land
derelict land
DIST accretion (4°)
alluvion (2°)
alluvium
accreted land
VOIR accretion (3°)

devest (v.) **retrancher**

DEF [T]o deprive or dispossess ... of a vested right.
(Webster's, 1976)
EX A conditional limitation operates by devesting the estate from the person entitled under the prior estate....
(Fearne, 10th ed. 1844, p. 53)
NOTE Voir la NOTE sous "divest (v.)".

SYN divest (v.)
ANT vest (v.)
DIST dispossess (v.)
disseise (v.)
VOIR divestment

divest (v.) **retrancher**

DEF [T]o take away from a person an estate or interest which has already vested in him.
(Jowitt's, 2nd ed. 1977, p. 638)
CONT A shifting devise is one which is so limited that it does not wait for the natural determination of the preceding estate to take effect but takes effect upon the happening of an event which determines the preceding estate. It thus divests the preceding estate.
(Anger & Honsberger, 2nd ed. 1985, p. 425)
CONT The court leans against the divesting of vested interests, and favours that construction which leads to the indefeasible vesting of property as soon as possible. Consequently, divesting conditions are construed strictly so that, if a provision divests a vested gift on a specified contingency, the gift is held not to be divested unless that precise contingency occurs.
(Anger & Honsberger, 2nd ed. 1985, pp. 360-1)
NOTE L'équivalent normalisé se voit attribuer une vocation technique selon laquelle il visera généralement l'enlèvement total (d'un droit, d'un intérêt, etc.). "[Retrancher:] Enlever (qqch. à qqn.), déposséder de...." (Grand Robert, 1985). Voir aussi la NOTE sous "divestment".

SYN devest (v.)
ANT vest (v.)
DIST dispossess (v.)
disseise (v.)
VOIR divestment

USAGE se départir

divesting (n.) **retranchement**

EX If there is a provision revoking or divesting a gift on the failure of a condition, the condition must wholly fail or no revocation or divesting will occur.
(Anger & Honsberger, 2nd ed. 1985, p. 311)
NOTE Voir la NOTE sous "divestment".

ANT vesting (n.)
DIST dispossession
disseisin
VOIR divestment
divestiture
(defeasance)

divestiture **retranchement**

DEF The act of divesting.
(Oxford, 1933)
CONT Divestiture is the act of divestment.
(Cartwright, 1972, p. 283)
NOTE Voir la NOTE sous "divestment".

DIST vesting (n.)
dispossession
disseisin
(defeasance)
VOIR divesting (n.)
divestment

divestment **retranchement**

DEF The action of divesting or state of being divested. (Oxford, 1933)
CONT [A] vested gift may be subject to a condition, not a condition precedent or a contingency, but a condition subsequent. When this is so, it should be said that the gift is "vested subject to divestment". (Feeney, 1982, Vol. 2, p. 258)
NOTE L'équivalent normalisé se voit attribuer une vocation technique selon laquelle il désignera généralement l'enlèvement total (d'un droit, d'un intérêt, etc.). "[Retranchement:] - Suppression totale" (Bescherelle, 1887). Voir aussi la NOTE sous "divest (v.)".

DIST vesting (n.)
dispossession
disseisin
VOIR divesting (n.)
divestiture
(defeasance)

doctrine of accession **doctrine de l'accession**

EX History of doctrine. The doctrine of title by accession is in the common law as old as the law itself, and was previously known in other legal systems. The doctrine of accession has been recognized from a very early date; it was recognized by the civil law, from which the rules and principles now recognized were principally derived, and was later introduced into the common law of England, and has since become a recognized part of the jurisprudence of the United States. (Corpus Juris Secundum, Vol. 1, p. 406)

DIST doctrine of accretion
VOIR accession (1°)
doctrine

doctrine of accretion **doctrine de l'accroissement**

CONT Traditionally, the legal mechanism employed to resolve disputes arising through changes in land bordering upon water is the doctrine of accretion. Stated briefly, this doctrine is that naturally occurring additions of soil to waterside land become the property of the riparian owner of the land which is thereby increased, and soil removed by erosion ceases to belong to the riparian owner whose land is diminished.
(Howarth, The Conveyancer, p. 247)

DIST doctrine of accession
VOIR accretion (1°)
doctrine

doctrine of emblements **doctrine des emblavures**

CONT The common law rule that a tenant at the end of his tenancy had no claim against his landlord for any improvements or crops left on the land had an early exception in the doctrine of emblements, an exception which was well established by the reign of Edward IV. The word "emblements" means a right given by law in certain cases to the tenant of an estate of uncertain duration which has unexpectedly determined, without any fault of such tenant, to take the crops growing upon the land when his estate determines, although the estate itself has ceased. It is derived from the French "emblavence de bled" (corn sprung or put above ground), and strictly signifies the growing crops of sown land; but the doctrine of emblements extends not only to corn sown, but to roots planted and potatoes, and other annual artificial products. The growing crops of those vegetable productions of the soil which are annually produced by the labour of the cultivator are emblements.
(Woodfall's, 28th ed. 1978, p. 2044)

VOIR emblements
doctrine

doctrine of worthier title — **doctrine du meilleur titre**

CONT The early rule of the common law was that an heir may not take by devise where he may take the same title by descent, title by descent being regarded as the worthier and better title. The inter vivos branch of the doctrine of worthier title ... favors a reversion in the grantor rather than a remainder in his heirs.
(Cartwright, 1972, pp. 1018-9)
CONT Because title by descent was preferred, the rule is often referred to as the "doctrine of worthier title". In fact, that somewhat pompous description applied only to the testamentary branch of the rule, although it is usual to refer to both the testamentary and the inter vivos branches of the rule as the doctrine of worthier title.
(Anger & Honsberger, 2nd ed. 1985, p. 379)

VOIR title (2°) & (3°)
doctrine

domestic animal — **animal domestique**

CONT Meaning of "domestic animals". The term "domestic animals" includes all those domestic or tame animals as by habit or training live in association with man. An animal which does not exist in a wild state anywhere in the world is in law a domestic animal. It is a question of law, not fact, whether an animal is within the class of domestic animals or wild animals.
(Halsbury, 4th ed., Vol. 2, pp. 85-6)

ANT wild animal
DIST tame animal
domesticated animal
animal ferea naturae
animal mansuetae naturae
VOIR animal domitae naturae

domesticated animal — **animal domestiqué**

DIST domestic animal
tame animal
wild animal
animal domitae naturae
animal mansuetae naturae

dominant proprietor — **propriétaire de fonds dominant**

VOIR dominant tenement
dominant land
dominant estate
dominant owner
proprietor
DIST servient proprietor

double contingency — **éventualité double**

CONT An alternative limitation is a sentence which creates an interest that is only to vest in case the next preceding interest should never vest in any way, through the failure of the contingency on which such preceding interest depends.... These limitations, or the gifts made by them, considered in conjunction with those for which they are substitutionary, are sometimes termed contingencies with a double aspect; or gifts upon a double contingency.... (Fearne, 10th ed. 1844, pp. 43-4)

DIST double possibility
VOIR contingency with a double aspect
contingency (1°)
(limitation upon a double aspect)
alternative contingency (1°)

double possibility **possibilité double**

CONT The rule against double possibilities was a rule which appears to have been first suggested in the Rector of Chedington's Case in 1598, when Popham C.J. said that a lease was void because "it could not commence upon a contingent which depended upon another contingent." The principle seems to have been that a limitation which depended upon more than one possibility was void. (Megarry & Wade, 4th ed. 1975, p. 202)

DIST (remote possibility)
double contingency
VOIR possibility (1°) & (2°)
possibility on a possibility
possibility upon a possibility

easement in gross **servitude indépendante**

CONT There cannot be an easement in gross that is, unattached to a dominant tenement. The law, however, may at one time have been otherwise.
(Jowitt's, 2nd ed. 1977, p. 676)
CONT The necessity that there must be a dominant tenement prevents the creation of an easement in gross. This is the English and Canadian rule but it is not the rule in the United States. The rule that there cannot be an easement in gross has been reversed to some extent by statute. In British Columbia easements without a dominant tenement may be created in favour of the Crown, a Crown corporation or, agency, a municipality.... To the extent necessary to give effect to this right the rule requiring an easement to have a dominant and servient tenement is abrogated.
(Anger & Honsberger, 2nd ed. 1985, p. 926)

DIST easement appurtenant
appendant easement
appurtenant easement
VOIR easement

emblements (plur.) **emblavures**

CONT "Emblements" is a species of fructus industriales and describes the crops, growing at the determination of an estate of uncertain duration, that the tenant is entitled to cut and take away.
(Ontario Law Reform Commission, Report on the Sale of Goods, 1979, Vol. 1, p. 58)

DIST fructus industriales
industrial crop
growing crop
standing crop
VOIR doctrine of emblements

enjoyment **jouissance**

CONT Enjoyment [is] the exercise of a right. It is to a right what possession is to a corporeal thing, and it is therefore divisible, like possession, into simple, rightful, permissive, adverse, etc.
(Jowitt's, 2nd ed. 1977, p. 702)

DIST possession
use
user
occupancy
occupation

enjoyment as of right **jouissance comme de droit**

CONT "The enjoyment as of right" must mean enjoyment had, not secretly or by stealth, or by tacit sufferance, or by permission asked from time to time, on each occasion or even on many occasions of using it; but an enjoyment had openly, notoriously, without particular leave at the time, by a person claiming to use it without danger of being treated as trespasser, as a matter of right.
(Anger & Honsberger, 2nd ed. 1985, p. 942)

DIST user as of right
VOIR enjoyment

enter (v.) **entrer**

DEF To go in upon lands as a formal act....
(Webster's, 1976)
CONT A fifth method of conveying was the lease and release. The lease for a term of years, since it was not a freehold, was usually made by deed. In order to perfect his interest, the lessee did, however, have to enter on the land, for otherwise the deed gave him only an interesse termini, or interest in the term.
(Anger & Honsberger, 2nd ed. 1985, p. 34)
NOTE Acception stricte en droit des biens. Voir la NOTE sous "entry (1°)".

DIST re-enter (v.)
VOIR entry (1°)

entry (1°) **entrée**

DEF [T]he act of going on land, or doing something equivalent, with the intention of asserting a right in the land.
(Jowitt's, 2nd ed. 1977, p. 706)
CONT If V wished to convey land to P, he granted a lease to P for, say, one year.... V's fee simple reversion could then be conveyed to P a day or two later by a deed of release, thereby enlarging P's estate into a fee simple in possession.... The disadvantage of this device was that it required entry on the land by P between the grant of the lease and the making of the release. For the tenant could take no legal estate until he took possession by making entry....
(Anger & Honsberger, 2nd ed. 1985, p. 164)
NOTE Acception stricte en droit des biens qui désigne l'entrée sur un bien-fonds dans le but de faire valoir un droit sur celui-ci.

DIST right of entry
re-entry

entry (2°) **droit d'entrée**

CONT In the old books, "entry" often signifies a "right of entry".
(Jowitt's, 2nd ed. 1977, p. 707)
CONT The right of entry can be created only in the one creating the interests or in his successor. As Littleton said: "No entry ... may be reserved or given to any person, but only to the feoffor, or to the donor, or to the lessor, or to their heirs...."
(American Law of Property, 1952, pp. 417-8)
NOTE Acception stricte en droit des biens qui désigne le droit d'accomplir l'acte que vise "entry (1°)".

SYN right of entry
DIST re-entry
reversion
remainder
possibility of reverter

entry (3°) **droit de rentrée**

CONT "No entry or re-entry (which is all one) may be reserved or given to any person, but only to the feoffor...."
(American Law of Property, 1952, p. 417)
NOTE Voir la NOTE sous "re-entry (2°)".
NOTE Acception rare.

SYN re-entry (2°)
right of re-entry
DIST reversion
remainder
possibility of reverter

equitable contingent remainder **résidu éventuel en equity**

EX The rule [in Whitby v. Mitchell] applies to legal and equitable contingent remainders in land.
(Anger & Honsberger, 2nd ed. 1985, p. 512)

DIST legal contingent remainder
VOIR equitable remainder
contingent remainder

equitable executory interest **intérêt non réalisé en equity**

CONT [I]n a conveyance "to X and his heirs, to the use of Y and his heirs, to the use of Z and his heirs when Z marries", the first use is executed, giving Y the legal estate and Z an equitable executory interest.
(Anger & Honsberger, 2nd ed. 1985, p. 431)
CONT The immediate effect of the statute [of Uses] was that it converted what were formerly equitable executory interests into legal ones.
(Anger & Honsberger, supra, p. 39)
CONT [T]he Statute of Uses did not execute all uses, but only those that fell strictly within its terms. Interests arising under unexecuted uses, therefore, remained equitable and in due course came to be called trusts. Such interests may be either remainders ... or executory interests.
(Anger & Honsberger, supra, pp. 430-1)
NOTE Dans l'équivalent normalisé, l'élément "non réalisé" se voit attribuer une vocation technique selon laquelle il désigne ce qui est à réaliser.

DIST legal executory interest
equitable remainder
equitable future interest
VOIR executory interest (2°)
equitable interest

equitable fee tail — **fief taillé en equity**

SYN equitable entail (2°)
DIST legal fee tail
equitable fee simple
VOIR fee tail
equitable (2°)

equitable future interest — **intérêt futur en equity**

CONT If a trust is employed in a will, the interests created thereunder are, of course, equitable. Moreover, as a result of the statutory trust in favour of the beneficiaries, with the personal representative as trustee, constituted under modern devolution of estates legislation, today future interests arising under wills are all equitable.
(Anger & Honsberger, 2nd ed. 1985, p. 348)
EX Some one hundred years after the Statute of Uses, when the Crown's financial interest in feudal revenues diminished, it once again became possible to create purely equitable interests in land.... [E]quitable future interests re-emerged.
(Mendes da Costa & Balfour, 1982, p. 778)

DIST legal future interest
common law future interest
equitable executory interest
VOIR future interest
equitable (2°)

equitable property right — **droit de propriété en equity**

CONT A purchaser under contract to buy land had ... at common law only a right to damages if his vendor broke the contract. But in equity he had a right to compel his vendor to convey the land itself. This right to specific performance created a right in the land, a species of equitable property right. Therefore, if A agreed to sell land to B, ... B was equitable owner from the time of the contract, and could enforce his equitable right to the land against anyone except a bona fide purchaser of a legal estate without notice of the contract.
(Megarry & Wade, 4th ed. 1975, p. 132)

DIST legal property right
(equity (3°))
(mere equity)
VOIR property right (1°)
equitable right

equitable right — **droit en equity**

DEF [Equitable rights:] Those rights originally recognized and enforced only in the courts of equity.
(Curzon, 1979, p. 120)

DIST legal right (2°)
equitable estate
equitable interest
(equity (3°))
(mere equity)

VOIR (right)
equitable (2°)

equitable seisin — **saisine en equity**

DEF By analogy to legal seisin, the possession of land coupled with the right to possess it by virtue of a freehold estate therein which equity will recognize and protect.
(Ballentine's, 3rd ed. 1969, p. 411)
CONT [A] mortgagor is said to have equitable seisin of the land by receipt of the rents.
(Black's, 5th ed. 1979, p. 1219)

DIST legal seisin
(constructive seisin)
VOIR seisin
equitable (2°)

equitable successive interest — **intérêt successif en equity**

EX [E]quitable successive interests can exist in chattels.
(Crossley Vaines, 5th ed. 1973, p. 43)

DIST equitable future interest
VOIR successive interest
equitable interest

estate in expectancy **domaine en expectative**

CONT With reference to the time of their enjoyment, estates were either in possession or expectancy. An estate in possession ... gave a present right of present enjoyment, whilst an estate in expectancy was one which could not be enjoyed until a future time.... Estates in expectancy included reversions, remainders and future interests.
(Jowitt's, 2nd ed. 1977, p. 724)
CONT Because enjoyment is postponed in a future interest, the interest is sometimes called an "estate in expectancy". This term is somewhat misleading in that it is applied both to future interests which are vested, and to contingent interests, or interests which are not vested.
(Anger & Honsberger, 2nd ed. 1985, p. 336)

SYN expectant estate
DIST expectancy
interest in expectancy
VOIR in expectancy
future estate
executory estate
estate (1°)

estate in possession **domaine en possession**

CONT An estate in land may exist in one of three different ways: in possession, in remainder or in reversion. An estate in possession gives an immediate right to possession and enjoyment of the land.
(Megarry & Wade, 4th ed. 1975, p. 47)

SYN possessory estate (2°)
DIST estate in remainder
estate in reversion
estate in expectancy
future estate
(interest in possession)
executory estate
possessory estate (1°)
VOIR estate (1°)
in possession

estate upon condition precedent **domaine sous condition suspensive**

CONT An estate upon condition may be said to be an estate, the existence of which depends upon the happening or not happening of an event which will create, enlarge or defeat the estate.... A condition may be either precedent or subsequent. A condition precedent is one which must be fulfilled before an estate can commence.
(Anger & Honsberger, 2nd ed. 1985, pp. 301-2)

DIST estate upon condition subsequent
VOIR estate upon condition
condition precedent
contingent estate

estray **bête égarée**

DEF A beast, by nature tame or reclaimable, in which there is a valuable property, such as a cow, pig, or horse, found wandering at large or lost, its owner being unknown. (Ballentine's, 3rd ed. 1969, p. 422)

SYN stray
VOIR tame animal

exclusive possession **possession exclusive**

CONT [E]xclusive possession [is] an exclusive dominion over land and an appropriation of it to one's own use and benefit. Possession of land by a claimant for himself, as his own, and not for another.
(Ballentine's, 3rd ed. 1969, p. 430)
CONT The general rule for distinguishing a lease from a license is ... that a lease gives the right to exclusive possession of the land, whereas a licence usually does not. Examples of licences are - the hire of a concert hall for several days without the hirer being entitled to exclusive possession....
(Megarry & Wade, 4th ed. 1975, pp. 776-7)
NOTE La notion que désigne ce terme s'applique également aux biens personnels.

DIST co-possession
joint possession
sole possession
VOIR possession

executory (1°) non réalisé

DEF Of acts or dispositions: Designed to take or capable of taking full effect only at a future time. Opposed to executed.
(Oxford, 1933)
CONT "Executed" means effected or perfected, as opposed to "executory" (e.g., executory interests) which means not perfected.
(Megarry & Wade, 4th ed. 1975, p. 156)
NOTE Acception large.
NOTE L'équivalent normalisé se voit attribuer un sens particulier qui vise ce qui ne prend effet que dans le futur.

ANT (executed)
DIST contingent

executory (2°) non réalisé

CONT Ordinarily, if the limitation of a devise is executory, all subsequent interests are also necessarily executory because, if the division of the fee simple into a particular estate and remainders is interrupted by an executory devise, the interruption affects all subsequent interests.
(Anger & Honsberger, 2nd ed. 1985, p. 428)
NOTE Acception restreinte.
NOTE L'équivalent normalisé se voit attribuer une vocation technique selon laquelle il désigne ce qui est à réaliser.

DIST contingent
(conditional)
VOIR executory interest (2°)
executory devise (2°)
executory limitation
executory gift-over

executory bequest — **legs de biens personnels non réalisé, legs non réalisé**

CONT An executory bequest is the bequest of a future, deferred or contingent interest in personalty.
(Jowitt's, 2nd ed. 1977, p. 207; Black's, 5th ed. 1979, p. 145)
CONT [An] executory bequest [is] a testamentary gift of personal property on a contingency after an absolute gift to another.
(Ballentine's, 3rd ed. 1969, p. 434)
NOTE Le terme se réfère à l'acception spécifique du substantif "bequest" et à l'acception large du qualificatif "executory".
NOTE Dans les équivalents normalisés, l'élément "non réalisé" se voit attribuer un sens particulier qui vise ce qui ne prend effet que dans le futur.
NOTE Cas d'emploi du second équivalent : a) le terme est qualifié par l'indication de la chose ou de la catégorie léguée; b) la référence spécifique aux biens personnels ressortira de quelque autre façon sans qu'il soit nécessaire de l'exprimer; c) le terme anglais se présente dans le doublet "executory bequest(s) or (and) devise(s)" ou dans le groupe "executory bequest(s), devise(s) or (and) legacy(ies)".

DIST contingent bequest
deferred bequest
future bequest
executory devise
VOIR bequest (1°)
executory (1°)

executory devise (1°) — **legs de biens réels non réalisé, legs non réalisé**

CONT The term "executory devise" [is] used ... in the generic sense, in contradistinction to an immediate devise, so as to include contingent remainders, as well as other future interests "limited to arise and vest upon some future contingency"; so as to comprise, in fact, all limitations of executory interests by way of devise. (Fearne, 10th ed. 1844, p. 33)
NOTE Acception large.
NOTE Dans les équivalents normalisés, l'élément "non réalisé" se voit attribuer un sens particulier qui vise ce qui ne prend effet que dans le futur.
NOTE Cas d'emploi du second équivalent : a) le terme est qualifié par l'indication de la chose ou de la catégorie léguée; b) la référence spécifique aux biens réels ressortira de quelque autre façon sans qu'il soit nécessaire de l'exprimer; c) le terme anglais se présente dans le doublet "executory devise(s) or (and) bequest(s)" ou dans le groupe "executory devise(s), bequest(s) or (and) legacy(ies)".

DIST executory bequest
immediate devise
VOIR executory interest (1°)
executory (1°)
devise (n.)

executory devise (2°) — **legs de biens réels non réalisé, legs non réalisé**

CONT [T]he term is almost invariably used in a narrower sense, in contradistinction as well to contingent remainders, as to immediate devises, so as to denote "such a limitation of a future estate or interest in lands or chattels, as the law admits in the case of a will, though contrary to the rules of limitation in conveyances at common law", or, in other words, to denote limitations of springing interests, limitations of interest by way of conditional limitation, and quasi remainders after a life interest in personal estate....
(Fearne, 10th ed. 1844, p. 33)

CONT [E]very devise of a future interest, which is not preceded by an estate of freehold, created by the same will (whether consisting of one or more testamentary papers), or which, being so preceded, is limited to take effect before or after, and not at the expiration of such prior estate of freehold, is an executory devise.
(Jarman, 8th ed. 1951, p. 1420)

NOTE Acception restreinte.

NOTE Dans les équivalents normalisés, l'élément "non réalisé" se voit attribuer une vocation technique selon laquelle il désigne ce qui est à réaliser.

NOTE Cas d'emploi du second équivalent : a) le terme est qualifié par l'indication de la chose ou de la catégorie léguée; b) la référence spécifique aux biens réels ressortira de quelque autre façon sans qu'il soit nécessaire de l'exprimer; c) le terme anglais se présente dans le doublet "executory devise(s) or (and) bequest(s)" ou dans le groupe "executory devise(s), bequest(s) or (and) legacy(ies)".

DIST contingent devise
executory bequest

VOIR devise (n.)
executory (2°)

executory devisee — **destinataire de legs de biens réels non réalisé, destinataire de legs non réalisé**

CONT A shifting devise is one which is so limited that it does not wait for the natural determination of the preceding estate to take effect but takes effect upon the happening of an event which determines the preceding estate. It thus divests the preceding estate and shifts the property to the executory devisee.
(Anger & Honsberger, 2nd ed. 1985, p. 425)
NOTE Dans les équivalents normalisés, l'élément "non réalisé" se voit attribuer une vocation technique selon laquelle il désigne ce qui est à réaliser.
NOTE Le second équivalent est la forme elliptique du premier. Il s'emploiera dans les contextes analogues à ceux prévus dans la NOTE sous "executory devise".

DIST contingent devisee
VOIR executory devise (2°)
devisee

executory estate **domaine non réalisé**

DEF An estate which is to vest in possession at a future time.
(Cartwright, 1972, p. 343; Ballentine's, 3rd ed. 1969, p. 434)
CONT Executory estates [are] interest[s] which depend for their enjoyment on some subsequent event or contingency.
(Jowitt's, 2nd ed. 1977, p. 749)
NOTE Acception large.
NOTE Dans l'équivalent normalisé, l'élément "non réalisé" se voit attribuer un sens particulier qui vise ce qui ne prend effet que dans le futur.

ANT (executed estate)
DIST executory interest (2°)
contingent estate
conditional estate
VOIR executory interest (1°)
future estate
estate (1°)
executory (1°)

executory gift — **donation non réalisée, don non réalisé**

CONT It is essential that the transaction which purports to constitute a gift takes immediate effect; otherwise it is a mere promise unenforceable as a nudum pactum. Thus an executory gift may be revoked by the donor at any time before completion.
(Crossley Vaines, 5th ed. 1973, p. 301)
CONT The same principles which determine the effect upon a posterior or executory gift, of the failure of a prior gift, apply also to the converse case, namely, that of the failure of an ulterior or executory gift, and the consequence of such failure on the prior gift.
(Jarman, 8th ed. 1951, p. 2063)
NOTE Acception large.
NOTE Dans les équivalents normalisés, l'élément "non réalisé" se voit attribuer un sens particulier qui vise ce qui ne prend effet que dans le futur.

DIST contingent gift
(conditional gift)
VOIR executory (1°)
gift (1°)

executory gift over

[NOTE Au moment de la publication du tome 3, l'équivalent de ce terme n'avait pas fait l'objet d'une décision de normalisation. L'entrée figure dans le Vocabulaire comme complément à l'analyse notionnelle des termes apparentés.]

CONT [I]f realty is given by will ... to A in fee simple, with a gift over if he dies without issue, A will, prima facie, take a fee simple, subject to an executory gift over in the event of his dying without leaving issue living at his death, and will not take an estate tail.
(Hawkins & Ryder, 1965, p. 266)
CONT A substitutional gift, substituting one set of legatees for others dying before the time of distribution, must be distinguished from an executory gift over intended to take effect at any time. Thus, a gift to children living at a particular time, with a gift over, if any such children die leaving issue, to their issue, is an executory limitation to take effect at any time.
(Theobald, 14th ed. 1982, p. 668)

DIST executory gift
executory remainder
VOIR gift over
executory (2°)

executory interest (1°) **intérêt non réalisé**

DEF A general term, comprising all future estates and interests in land or personalty, other than reversions and remainders.
(Black's, 5th ed. 1979, p. 512)
CONT In the wide sense of the word, "executory interest" includes interests in personal property analogous to remainders and reversions in land.
(Jowitt's, 2nd ed. 1977, p. 749)
CONT Executory interests are analogous to successive estates in land, but though exceptions in substance they are not exceptions in form to the rule that there can be no remainders in personal property, because an executory interest differs from a remainder; and so in strict theory these executory interests do not conflict with the proposition that no estate can exist in personal property.
(Crossley Vaines, 5th ed. 1973, p. 43)
NOTE Acception large.
NOTE Dans l'équivalent normalisé, l'élément "non réalisé" se voit attribuer un sens particulier qui vise ce qui ne prend effet que dans le futur.

DIST future interest
contingent interest
VOIR interest (1°)
executory (1°)

USAGE droit non réalisé

executory interest (2°) **intérêt non réalisé**

DEF An executory interest is the seisin, property, or ownership, or a portion thereof, of the measure of freehold, not yet acquired by the person who is said to have such executory interest, but appointed by the terms of a grant or devise to be acquired by and to reside in him in a certain or contingent event.
(Fearne, 10th ed. 1844, p. 28)
CONT A future interest effective upon the happening of a condition precedent, and not amounting to a contingent remainder, has been called an executory interest in land. Executory interests are created by executory limitations by deed, or by executory devises.
(Cartwright, 1972, p. 342)
CONT [A]n executory interest is an interest that cannot take effect as a remainder, being one that is so limited that it does not wait for the end of the preceding estate, or is so limited that it cannot take effect at the end of the preceding estate. Instead, it may be limited to take effect before or after the preceding estate would otherwise end, or it may be limited to take effect and vest in possession at any time, provided that it does not offend the rule against perpetuities.
(Anger & Honsberger, 2nd ed. 1985, p. 416)
NOTE Acception stricte.
NOTE Dans l'équivalent normalisé, l'élément "non réalisé" se voit attribuer une vocation technique selon laquelle il désigne ce qui est à réaliser.

DIST future interest
contingent interest
conditional interest
executory estate
VOIR interest (2°)
executory (2°)

USAGE droit non réalisé

executory limitation (1°) **délimitation non réalisée**

DEF [A] limitation creating an executory interest.
(Megarry & Wade, 4th ed. 1975, p. cxiii)
CONT A right of entry, whether consequent upon a fee simple or a lesser estate upon condition subsequent, can be limited to another by way of executory limitation in the same instrument under a use not executed by the Statute of Uses, under a trust, and under a will. The interest so created is called an executory interest.
(Anger & Honsberger, 2nd ed. 1985, p. 389)
NOTE L'équivalent normalisé désigne par ellipse la délimitation actuelle qui crée un intérêt à réaliser. Voir aussi la NOTE sous "executory (2°)".

DIST contingent limitation
conditional limitation
VOIR limitation (2°)
executory (2°)

executory limitation (2°) **délimitation non réalisée**

DEF The term "executory limitation" denotes that part of the language of a conveyance, by virtue of which (a) the interest subject thereto, upon the occurrence of a stated event is to be divested, before the normal expiration thereof, in favor of another interest in a person other than the conveyor or his successor in interest; or (b) an estate in fee simple determinable ... or an estate in fee simple conditional, concurrently with its expiration, is to be succeeded forthwith by another interest in a person other than the conveyor or his successor in interest.
(Words & Phrases/U.S., Vol. 15A, p. 331)
NOTE L'équivalent français désigne par ellipse l'écrit actuel qui crée un intérêt à réaliser. Voir aussi la NOTE sous "executory (2°)".

DIST contingent limitation
conditional limitation
VOIR limitation (3°)
executory (2°)

executory remainder **résidu non réalisé**

DEF A contingent remainder, one which exists where the estate is limited to take effect either to a dubious and uncertain person or upon a dubious and uncertain event.
(Black's, 5th ed. 1979, p. 1162)
DEF [A] contingent remainder, because no present interest passes.
(Jowitt's, 2nd ed. 1977, p. 749)
NOTE Dans l'équivalent normalisé, l'élément "non réalisé", se voit attribuer une vocation technique selon laquelle il désigne ce qui est à réaliser.

DIST executory estate
executory interest
VOIR contingent remainder
executory (2°)
remainder

existing interest **intérêt existant**

CONT A future interest is an interest in property in which the right to possession or enjoyment of the property is postponed to a future time. Nevertheless, it is a presently existing interest in the property and it is thus part of the total ownership of the property. The fact that a future interest is a presently existing interest implies that it confers present, as well as future, rights and obligations.
(Anger & Honsberger, 2nd ed. 1985, p. 335)
NOTE Terme de soutien employé pour situer les notions de "future interest" et de "present interest".

DIST future interest
executory interest
expectant interest
VOIR present interest
interest

expectancy (1°) **expectative**

CONT An expectancy or chance is a mere hope, unfounded in any limitation, provision, trust, or legal act whatever; such as the hope which an heir apparent has of succeeding to the ancestor's estate.... [I]t is no right at all, in contemplation of law, even by possibility; because, in the case of a mere expectancy, nothing has been done to create an obligation in any event; and where there is no obligation, there can be no right....
(Fearne, 10th ed. 1844, pp. 23-24)
CONT [A] distinction should be drawn between an estate in expectancy on the one hand and an "expectancy", a "mere expectancy", or a spes successionis on the other. The latter is a mere hope of a person that he will succeed to an estate or interest in land as heir or next of kin of the present owner. An expectancy is not an interest in land.
(Anger & Honsberger, 2nd ed. 1985, p. 336)

DIST future interest
future right
future estate
possibility
estate in expectancy
interest in expectancy
expectant interest
expectant right
expectant estate
executory interest
spes successionis
VOIR bare expectancy
mere expectancy

expectancy (2°) **expectative**

CONT Gift of an Expectancy. A testator may make a will in which he bequeaths property that he expects to receive under someone else's will. If after making the bequest the testator receives the property and reinvests it, there is no ademption of the original gift. This is so even when the testator's will refers to the expectancy in the most specific terms....
(Feeney, 1982, Vol. 2, p. 201)
NOTE Sens métonymique.

DIST future property
(after-acquired property)

expectant estate **domaine en expectative**

CONT Expectant estates [are] interests to come into possession and be enjoyed in futuro; they are of two sorts at common law, reversions and remainders.
(Jowitt's, 2nd ed. 1977. p. 753)

SYN estate in expectancy
DIST expectancy
expectant interest
expectant right
VOIR future estate
executory estate

expectant heir **héritier expectant**

CONT The term "expectant heir" is used ... as including everyone who has either a vested remainder or a contingent remainder in a family property, including a remainder in a portion, as well as a remainder in an estate, and everyone who has the hope of succession to the property of an ancestor, as, formerly, by reason of his being the heir apparent or presumptive, or by reason merely of the expectation of a devise or bequest on account of the supposed or presumed affection of his ancestor or relative.
(Jowitt's, 2nd ed, 1977, p. 753)
CONT An expectant heir, in the language of equity, is a person who, having a reversionary right or hope of succession to property, but little or no property immediately available, is exposed to the temptation of selling or mortgaging his right or expectation on unreasonable terms....
(Jowitt's, ibid.)
NOTE Terme ayant une compréhension large.

DIST heir apparent
heir presumptive
VOIR heir

expectant interest **intérêt en expectative**

SYN interest in expectancy
DIST executory interest
contingent interest
expectancy
expectant right
expectant estate
VOIR interest (1°)
future interest

expectant right **droit en expectative**

CONT Rights are expectant when dependent upon continued existence of present condition of things until happening of some future event.
(Words and Phrases/U.S., Vol. 15, p. 407)

DIST vested right
contingent right
future right
conditional right
qualified right
expectancy
expectant estate
expectant interest
VOIR (right)

extinction **extinction**

DEF A bringing or coming to an end, a putting out of existence, suppression, destruction.
(Corpus Juris Secundum, Vol. 35, p. 352)

DIST extinguishment
merger
divestment
(defeasance)
forfeiture
VOIR extinguish (v.)

extinguish (v.) **éteindre**

DEF To bring or put an end to.
(Black's, 5th ed. 1979, p. 524)

DIST merge (v.)
divest (v.)
devest (v.)
(forfeit (v.))
VOIR extinguishment
extinction

extinguishment **extinction**

CONT Extinguishment. The term has, in the law, no fixed, uniform and universal meaning, but varies with the subject matter to which it is applied; but usually it connotes the end of a thing, precluding the existence of future life therein, and has been defined generally as meaning a complete wiping out, destruction, or annihilation, and not a mere suspension; the destruction or cancellation of a right, power, contract, or estate; a discharge by operation of law; a termination; and, more specifically, as the annihilation or extinction of a right by its being consolidated with a greater or more extensive right; the extinction of a charge or equity by its passing into the hands of the owner of the lands charged; and it has been sometimes used in the sense of payment.
(Corpus Juris Secundum, Vol. 35, p. 352)
NOTE [extinguishment; extinction:] Both words are nouns corresponding to the verb to extinguish. If there is differentiation, it is that extinguishment refers to the process, and extinction to the resultant state. Extinguishment means in law "the cessation or cancellation of some right or interest".
(Garner, 1987, p. 235)

DIST extinction
merger
divestment
(defeasance)
forfeiture
VOIR extinguish (v.)

find (v.) **inventer, trouver**

DEF ... To discover; to determine; to locate....
(Black's, 5th ed. 1979, p. 568)

VOIR finding (n.)
finder

finder **inventeur**

DEF A person who discovers personal property lost by him or by another. For the purpose of the crime of larceny by finder, one who discovers lost property with knowledge that it is lost property.
(Ballentine's, 3rd ed. 1969, p. 474)

VOIR find (v.)
finding (n.)

finding (n.) **invention**

CONT The determination of the preference to be made between two or more who claim to be not successive but first finders involves the fundamental question as to how far a person must go to be considered in law as a finder. Finding is not the same as discovery. In looking out of the window of the tenth story one may see a purse lying on the street, but if before such observer gets down to the street and the purse it has been picked up by X, the latter is clearly the finder, and the former has no rights which X has encroached upon. Finding, in short, involves and necessitates possession. Of course, such possession may be acquired by two or more concurrently, in which case they are tenants in common.
(Fryer, 3rd ed. 1938, p. 381)

DIST (discovery)
VOIR finder
find (v.)

fine (1°) **prime**

CONT [N]o formality is required for a lease which - (i) takes effect in possession, (ii) for a term not exceeding three years, whether or not the lessee is given power to extend the term, (iii) at the best rent reasonably obtainable without taking a fine.... A "fine" in this sense is a lump sum payment made in consideration of a reduced rent; it is often called a "premium". (Megarry & Wade, 4th ed. 1975, p. 622)
EX Under the Law of Property Act ... fine includes a premium or foregift and any payment, consideration or benefit in the nature of a fine, premium or foregift. (Halsbury, 4th ed., Vol. 27, p. 610)

DIST foregift
fore-hand rent
rack rent
rent (n.) (1°)
rental (2°)
VOIR premium

fixed lease **bail à loyer fixe**

SYN gross lease
flat lease
DIST net lease
VOIR lease (n.) (1°)

fixed rent — **loyer fixe**

CONT It is usual in mining leases to reserve both a fixed annual rent ... and royalties varying with the amount of minerals worked. The object of the fixed rent is to ensure that the lessee will work the mine.... Another function of the fixed rent is to ensure a definite minimum income to the lessor in respect of the demise.
(Halsbury, 3rd ed., Vol. 26, pp. 434-5)

DIST variable rent
sliding scale rent
percentage rent
VOIR dead rent
rent (1°)

flat lease — **bail à loyer fixe**

SYN gross lease
fixed lease
DIST net lease
VOIR lease (1°)

foregift — **prime**

DEF A premium or bonus paid for a leasehold in addition to rent.
(Ballentine's, 3rd ed. 1969, p. 486)
NOTE Variante orthographique : "fore-gift".

DIST fore-hand rent
premium
fine (1°)
rack rent
rent (1°)
rental (2°)

fore-hand rent **loyer anticipé**

DEF "In English law, rent payable in advance".
(Black's, 5th ed. 1979, p. 582)
CONT A fine or premium given by the lease to the lessor at the time of taking or renewing a lease has been said to be in the nature of a fore-hand rent.
(Woodfall's, 27th ed. 1968, p. 301)

DIST fine (1°)
premium
foregift
rack rent
VOIR rent (1°)

forfeiture **déchéance**

DEF Forfeiture is where a person loses some property, right, privilege or benefit in consequence of having done or omitted to do a certain act.
(Jowitt's, 2nd ed. 1977, p. 815)
DEF [D]ivestiture of property without compensation in consequence of a default or offense.
(Ballentine's, 3rd ed. 1969, p. 327; Words and Phrases/U.S., Vol. 17, p. 327)
CONT Title to an estate in land may be extinguished in any one of four ways: (a) by escheat ... (b) by forfeiture of the estate for contravention of the law respecting mortmain or, in the case of an estate upon condition, for breach of the condition, (c) by merger ... or (d) by dispossession.
(Anger & Honsberger, 2nd ed. 1985, pp. 1486-7)
CONT Forfeiture for treason has been abolished in Canada. Different types of forfeiture remain, however, such as forfeiture on the dissolution of a corporation, of lands held in mortmain and of lands held for charitable uses. In these cases forfeiture is to the Crown. There are other cases, such as the right to re-enter for condition broken and the right of the landlord to re-enter for breach of covenant, in which the forfeiture is to a person other than the Crown.
(Anger & Honsberger, supra, p. 90)
NOTE Acception stricte en droit des biens.

DIST escheat
(surrender)
merger
(abandonment)
dispossession
disseisin
divestment
divestiture
divesting
(ejectment)
(eviction)
(ouster)
(deforcement)
(defeasance)
extinction
extinguishment

freehold in deed **propriété franche de fait**

DEF Freehold in deed is the real possession of land or tenements in fee, fee tail, or for life.
(Black's 5th ed. 1979, p. 598)

DIST freehold in law
VOIR freehold (1°)

freehold in law **propriété franche de droit**

DEF A freehold to which a person is lawfully entitled, but upon which he has not entered.
(Ballentine's, 3rd ed. 1969, p. 500)
CONT [I]n the old books a distinction is drawn between freehold in deed and freehold in law. Where a man died seised of land so that it descended to his son, then until the son entered on the land he had only a freehold in law....
(Jowitt's, 2nd ed. 1977, p. 834)

DIST freehold in deed
VOIR freehold (1°)

freehold land **fonds franc, terre franche**

CONT [L]eases in early times had the important advantage that since they were personalty they could be devised, while wills of freehold land were not allowed before 1540.
(Megarry & Wade, 4th ed. 1975, p. 44)

DIST leasehold land
VOIR land (2°) & (3°)
freehold (1°)

freehold lease — **bail franc, location à bail franche**

CONT A freehold lease is a lease for life or lives, where an immediate estate passes before entry.
(Williams & Rhodes, 5th ed. 1983, p. 3-63)

DIST lease for a term of years
VOIR lease for life
lease for life or lives
lease (1°)
freehold

fructus industriales — **fruits industriels**

DEF Industrial fruits, or fruits of industry. Those fruits of a thing, as of land, which are produced by the labor and industry of the occupant, as crops of grain; as distinguished from such as are produced solely by the powers of nature. Emblements are so called in the common law. Annual crops obtained by yearly labor and cultivation. Term includes those plants which are sown annually and grown primarily by manual labor such as wheat, corn and vegetables.
(Black's, 5th ed. 1979, p. 602)

SYN industrial crop
DIST fructus naturales
natural crop
VOIR product of the soil
produce of the soil
emblements

fructus naturales — **fruits naturels**

DEF Those products which are produced by the powers of nature alone; as wool, metals, milk, the young of animals. Term includes any plant which has perennial roots, such as trees, shrubs and grasses.
(Black's, 5th ed. 1979, p. 602)

SYN natural crop
DIST fructus industriales
VOIR product of the soil
produce of the soil

future estate — **domaine futur**

DEF A "future estate" is an estate limited to commence in possession at a future day, either without the intervention of a precedent estate or on the determination, by lapse of time or otherwise, of a precedent estate created at the same time.
(Words and Phrases / U.S., pp. 868-9)
CONT Seisin also remains important in the creation of future estates at law. In this respect the rule that there cannot be an abeyance of seisin and the prohibition against the creation of an estate in the future continue in full force and the statutes permitting conveyances by deed of grant do not affect this.
(Anger & Honsberger, 2nd ed. 1985, p. 96)

DIST present estate
future interest
future right
estate in possession
possessory estate (2°)
VOIR executory estate
expectant estate
estate in expectancy
estate (1°)

future interest (1°) **intérêt futur**

DEF A future interest is an interest in property in which the right to possession or enjoyment of the property is postponed to a future time. Nevertheless, it is a presently existing interest in the property and it is thus part of the total ownership of the property. The fact that a future interest is a presently existing interest implies that it confers present, as well as future, rights and obligations.
(Anger & Honsberger, 2nd ed. 1985, p. 335)
CONT A doctrine of estates which measured interests in land in terms of duration and recognized that interests could arise successively as segments of an ultimate estate in fee simple invited the working out of a law of future interests. "A future interest may be described as an interest in land or other things in which the privilege of possession or of enjoyment is future and not present. It should be emphasized that the interest is an existing interest from the time of its creation, and is looked upon as a part of the total ownership of land or other thing which is its subject matter."
(Laskin, 1964, p. 327)
CONT The principal categories into which future interests fall are reversions, remainders and executory interests....
(Megarry & Wade, 4th ed. 1975, p. 178)
NOTE Acception ayant une compréhension générique ou distributive.

DIST executory interest
expectant interest
present interest
VOIR interest (1°)

future interest (2°) **intérêt futur**

CONT [A] future interest is an interest capable of becoming possessory and, being regarded as a segment of ownership, is distinguishable on these two counts from interests like easements which may never be possessory and are qualifications of another's ownership outside of a doctrine of estates.
(Laskin, 1964, p. 327)
CONT "The basic difference between a vested remainder and a contingent remainder is this: a contingent remainder, unlike a vested remainder, creates no interest in present property. Can it be said that a contingent remainderman is entitled to a future estate? No, this would seem to be an incorrect use of language if, as stated, it is accepted that all estates are present estates. However, although a contingent remainderman acquires no estate, he is considered to hold an interest, a future interest, in land."
(Mendes da Costa & Balfour, 1982, p. 740)
NOTE Acception spécifique.

DIST future estate
future right
present interest
expectant interest
executory interest
VOIR interest (2°)

future property **bien futur**

CONT Future property is a term which refers to property which it is hoped will arise in the future. For example, an expectancy of succeeding on the intestacy or under the will of a living person, future royalties on a book, or future book debts to arise in a business.... [I]f A wishes to transfer future property to C to be held on trust for D, the only way in which this can be done is for A to contract with C in the terms that A will transfer when he acquires the property.
(Waters, 2nd ed. 1984, p. 58)
NOTE Lorsque le terme anglais est employé comme collectif, l'équivalent français s'emploiera au pluriel.

DIST expectancy (2°)
contingency (2°)
VOIR property (1°)
(after-acquired property)

future right **droit futur**

DEF A right expected to mature in the future ... but conditional rather than absolute.
(Ballentine's, 3rd ed. 1969, p. 510)
CONT The distinction is between an interest that has arisen and one that has not arisen and may never arise, but in regard to which there is a remote possibility that the event upon which it depends will occur; the latter is not an interest or right, but is nothing more than a bare expectation of a future right. Hence, a person having nothing more than that has no right of action, such as the right to sue for preservation of the property concerned.
(Anger & Honsgerger, 2nd ed. 1985, pp. 374-5)

DIST present right
contingent right
future estate
future interest
VOIR expectant right
(right)

general owner **propriétaire général**

DEF He who has the primary or residuary title to it; as distinguished from a special owner, who has a special interest in the same thing, amounting to a qualified ownership, such, for example, as a bailee's lien. One who has both the right of property and of possession. (Black's, 5th ed. 1979, p. 996)

DIST special owner
qualified owner
absolute owner
VOIR general ownership
owner

general ownership **propriété générale**

CONT The bailee has the right to possession, and the rights annexed to possession. He is therefore said to have a special or qualified ... ownership in the goods, as contrasted with the general ... ownership of the owner. (Osborn's, 6th ed. 1976, p. 272)
NOTE Terme ayant une compréhension variable, qui s'oppose généralement à "special ownership".

DIST special ownership
qualified ownership
absolute ownership
VOIR general owner
general property
ownership

general property **propriété générale**

CONT "Property" also signifies a beneficial right in or to a thing. Sometimes the term is used as equivalent to ownership.... Property in this sense is divided into general and special or qualified.
(Jowitt's, 2nd ed. 1977, p. 1447)
CONT The bailee has the right to possession, and the rights annexed to possession. He is therefore said to have a special or qualified property ... in the goods, as contrasted with the general property ... of the owner.
(Osborn's, 6th ed. 1976, p. 272)
NOTE Terme ayant une compréhension variable, qui s'oppose généralement à "special property".

DIST special property
qualified property
absolute property
VOIR general ownership
property (2°)

gift over

[NOTE Au moment de la publication du tome 3, l'équivalent de ce terme n'avait pas fait l'objet d'une décision de normalisation. L'entrée figure dans le Vocabulaire comme complément à l'analyse notionnelle des termes apparentés.]

DEF A limitation of an estate to follow the termination of a prior estate.
(Ballentine's 3rd ed. 1969, p. 524)
DEF Broadly, any transfer of property to take effect after the termination of an intermediate estate or estates such as a ... remainder.
(Black's, 5th ed. 1979, p. 620)
CONT The term "gift over" is commonly used to describe a gift in succession to a prior gift, especially by way of executory devise or bequest.
(Halsbury, 4th ed., Vol. 50, p. 103)
CONT "Gift over" is not a term of art.... There is no authoritative definition, but the essential elements in a gift over are, first, that it is a gift to arise upon a future contingency, and secondly, that it operates by way of defeasance or shifting of a prior gift which would be absolute were the contingency not to occur. Thus a limitation in remainder, although it arises upon a future contingency, is not a gift over.
(Jarman, 8th ed. 1951, pp. 1331-2)
NOTE Terme ayant une compréhension variable.

DIST substituted gift
substitional gift (2°)
(substitutionary gift)
alternative gift
(bequest over)
(devise over)
limitation over
VOIR gift (1°)

graduated lease **bail à loyer variable**

DEF A type of lease arrangement which provides that rent will vary depending upon future contingencies, such as the amount of traffic or gross income produced.
(Black's, 5th ed. 1979, p. 628)

DIST percentage lease
VOIR lease (1°)
variable rent

gratuitous bailee

[NOTE Au moment de la publication du tome 3, l'équivalent de ce terme n'avait pas l'objet d'une décision de normalisation. L'entrée figure dans le Vocabulaire comme complément à l'analyse notionnelle des termes apparentés.]

DEF Person to whom possession of personal property is transferred and who furnishes no consideration for such transfer and hence is required to use great care to avoid liability for negligence.
(Black's, 5th ed. 1979, p. 630)
CONT The bailee who has received a gratuitous loan of chattels (commodatum) is, we are told, liable for slight negligence.... Whether a bailee is a gratuitous bailee is a question of fact.
(Crossley Vaines, 5th ed. 1973, p. 95)
NOTE Le terme ne désigne pas le bailee sous le régime de gratuitous bailment.

DIST gratuitous bailment
bailee for hire
bailee for reward
lucrative bailee
VOIR bailee

gratuitous bailment **bailleement non rémunéré**

CONT Gratuitous bailment [is] another name for a depositum or naked bailment, which is made only for the benefit of the bailor and is not a source of profit to the bailee.
(Black's, 5th ed. 1979, p. 129)
CONT A gratuitous bailment is sometimes called a gratuitous deposit for which the depositary receives no consideration beyond the mere possession of the thing deposited. Bailments are generally classified as gratuitous or lucrative.
(Cartwright, 1972, p. 412)

DIST bailment for hire
bailment for reward
lucrative bailment
VOIR bailment

gross lease **bail à loyer brut**

DEF A lease of property under which the lessee pays a fixed rent and the lessor pays the taxes, insurance, and other charges regularly incurred through ownership; also called a fixed or flat lease. In a net lease, the lessee pays all these charges.
(Reilly, 2nd ed. 1982, p. 221)

SYN fixed lease
flat lease
DIST net lease
VOIR lease (1°)

ground lease **bail foncier**

DEF A lease of land alone, sometimes secured by improvements placed on the land. The ground lease is a means used to separate the ownership of the land from the ownership of the buildings and improvements constructed on the land. In most areas, it is a net lease that creates a tenancy for years, typically for a term of 55, 75, or 99 years.
(Reilly, 2nd ed. 1982, p. 203)

VOIR ground rent (2°)
building lease
lease (1°)

ground rent (1°) (HIST) **rente-charge**

CONT The Statute of Quia Emptores abolished rent service arising upon a conveyance in fee simple, by prohibiting subinfeudations. A ground rent in its pure form is a rent reserved to himself and his heirs by the grantor of a freehold estate in land, out of the land itself. It is not granted like an annuity or a rent charge, but is reserved out of a conveyance of the land in fee. It is a separate and distinct estate in itself land is held to be real estate with the usual characteristics of an estate in fee simple. The holder of a ground rent proper has an estate in the land itself, for the ground rent is a rent service and the grantor has a reversion. The right of distress is an incident of ground rent proper.
(Cartwright, 1972, p. 805)

DIST rentcharge
annuity
VOIR rentservice

ground rent (2°) **loyer du fonds de terre**

DEF A rent reserved on a lease, usually for a substantial term of years. The lessee may dispose of the lease during the term but subject to the ground rent. It is usually stipulated for where land is let on a building lease where the tenant erects buildings on the land which at the termination of the lease fall to the landlord along with the reversion of the land.
(Oxford Companion to Law, 1980, p. 541)

VOIR ground lease
building lease
rent (1°)

growing crop **récolte en cours de croissance**

DEF Literally, a crop in the process of growth, an unmatured crop. But a disputed term in legal parlance. Some authorities hold that a growing crop may be either above or below the surface of the soil, while other authorities hold that a crop is not a growing crop unless it shows above ground, and that underground sprouts do not constitute such a crop. Again, some authorities hold that a crop is growing from the time the seed is planted until the harvest, while other authorities hold that a matured, ungathered crop is not growing. Whether grass in a pasture is a growing crop is also a controverted question.
(Ballentine's, 3rd ed. 1969, p. 538)

DIST standing crop
industrial growing crop
VOIR natural crop
industrial crop
emblements

head rent **loyer principal**

CONT Head rent is rent payable to a superior landlord for fully improved property; as where a house is let on lease, and sub-let on weekly tenancies at a much higher amount.
(Adkin's, 17th ed. 1973, p. 81)
NOTE The term is in common use, though not mentioned in the text books.
(Adkin's, ibid.)

VOIR head lease
head tenancy (2°)
rent (1°)

hold (v.) over **occuper après terme**

DEF To retain possession as tenant of property leased, after the end of the term.
(Black's, 5th ed. 1979, p. 658)

SYN overhold (v.)
VOIR holdover tenant
holding over (n.)

holding (n.) over **occupation après terme**

DEF [K]eeping possession of land by a lessee after the expiration of his term, whereby if the possession is against the will of the landlord, he becomes a trespasser, but if he remains with the consent of the landlord, he becomes a tenant at will or he may simply remain on sufferance: if subsequent rent is accepted by his landlord he usually becomes tenant from year to year on the terms of the expired lease.
(Jowitt's, 2nd ed. 1977, p. 916)

SYN overholding (n.)
DIST tenancy at will
tenancy at sufferance
tenancy from year to year
VOIR hold (v.) over
holdover tenant
(trespass)

holdover tenant (1°) **tenant après terme**

NOTE Référence générale. Voir la NOTE sous "tenant (1°)".

SYN overholding tenant (1°)
DIST tenant at will (1°)
tenant at sufferance
tenant from year to year
VOIR overholder
holding over (n.)
hold (v.) over
tenant (1°)

holdover tenant (2°) **locataire après terme**

NOTE Référence spécifique. Voir la note sous "tenant (2°)".
SYN overholding tenant (2°)
DIST tenant at will (2°)
tenant at sufferance
tenant from year to year
VOIR holding over (n.)
hold (v.) over
overholder
tenant (2°)

hostile possession **possession contradictoire**

DEF This term, as applied to an occupant of real estate holding adversely, is not construed as implying actual enmity or ill will, but merely means that he claims to hold the possession in the character of an owner, and therefore denies all validity to claims set up by any and all other persons.
(Black's, 5th ed. 1979, p. 1048)
CONT "Hostility" is the very marrow of adverse possession; it has even redundantly been called adversity. To say that possession is hostile should mean nothing more than that it is without permission of the one legally empowered to give possession, usually the owner. Any kind of permissive use, as by a tenant, licensee, contract purchaser in possession, or easement holder is rightful, not hostile. The better view is that unexplained possession is presumed hostile, so that it is up to the one who wished to do so to establish that it is rightful.
(Cunningham, Stoebuck, Whitman, 1984, p. 760)

DIST permissive possession
adverse possession
VOIR possession

immediate estate **domaine immédiat**

CONT A surrender is the yielding or delivering up of lands or tenements and the estate a man has therein, unto another that has a higher and a greater estate in the same lands or tenements. [T]o give a surrender legal effect, the surrenderee must have the immediate estate in remainder or reversion expectant on the estate of the surrenderor. For example, if A lets to B for five years and B lets to C for four years, C cannot surrender to A, as A has not the immediate estate in remainder or reversion expectant on the estate of the surrenderor.
(Anger & Honsberger, 2nd ed. 1985, p. 290)

DIST intermediate estate
present estate
preceding estate
future estate
immediate interest
VOIR estate (1°)

immediate interest **intérêt immédiat**

NOTE [Immediate:] [N]ot separated by the intervention of any intermediate object, cause, relation, or right.
(Black's, 5th ed. 1979, p. 675)

DIST intermediate interest
present interest
preceding interest
prior interest
future interest
immediate estate
VOIR interest

immediate life estate **domaine viager immédiat**

VOIR immediate estate
life estate

immediate tenant **tenant immédiat**

NOTE Référence générale. Voir la NOTE sous "tenant (1°)".
VOIR tenant (1°)
immediate estate

immemorial user **usage immémorial**

CONT As a general rule the evidence of user necessary to induce the court to presume a lost modern grant must be stronger than that upon which the court will presume a grant upon immemorial user, for where the party opposing the claim shows that the user did not at one time exist, the presumption of a modern grant becomes a more violent inference than the presumption of an ancient grant based upon immemorial user.
(Halsbury, 4th ed., Vol. 14, p. 46)

DIST long user
ancient user
long use
long possession

in enjoyment **en jouissance**

CONT If a testamentary gift is directed to "take effect" at a future time, for example, when the devisee attains a specified age or marries, the phrase "take effect" is prima facie construed as meaning "take effect in possession or enjoyment"....
(Anger & Honsberger, 2nd ed. 1985, p. 369)
NOTE [Enjoyment:] the exercise of a right. It is to a right what possession is to a corporeal thing....
(Jowitt's, 2nd ed. 1977, p. 702)
NOTE Locution adjective et adverbiale. Dans les emplois d'adjectif, l'élément "vested" est sous-entendu. Dans les textes français, il serait souvent souhaitable d'exprimer cet élément, afin d'éviter des tournures malhabiles : "domaine dévolu en jouissance" rendrait ainsi l'anglais "estate in enjoyment".

DIST in interest
in expectancy
in possession
VOIR enjoyment
vested in enjoyment

in expectancy **en expectative**

DEF [R]elating to something in futuro.
(Jowitt's, 2nd ed. 1977, p. 753)
NOTE Locution adjective et adverbiale ayant une compréhension large.

DIST in possession
in interest
in enjoyment
VOIR estate in expectancy
interest in expectancy

in interest **en intérêt**

CONT Sometimes a will states that a gift is to "take effect" at some future date.... [T]he words "take effect", without anything more to show a contingency, usually will be interpreted as "take effect in possession or enjoyment" rather than "take effect in interest" and the gift will be vested from the testator's death.
(Feeney, 1982, Vol. 2, p. 262)
NOTE A person is said to have an interest in a thing when he has rights, advantages, duties, liabilities, losses or the like, connected with it, whether present or future, ascertained or potential....
(Jowitt's, 2nd ed. 1977, p. 995)
NOTE Locution adjective et adverbiale. Voir la note sous "in enjoyment".

DIST in enjoyment
in possession
in expectancy
VOIR vested in interest

in possession **en possession**

CONT An estate in land may exist in one of three different ways: in possession, in remainder or in reversion. An estate in possession gives an immediate right to possession....
(Megarry & Wade, 4th ed. 1975, p. 47)
CONT A remainder is ... described as limited to take effect, in possession, or in enjoyment, or in both, after the regular expiration of another estate. For, a vested remainder has already taken effect in right or interest, and therefore it has only to take effect in possession or enjoyment, or in possession and enjoyment.
(Fearne, 10th ed. 1844, p. 55)
NOTE Locution adjective et adverbiale. Voir la NOTE sous "in enjoyment".

DIST in interest
in enjoyment
in expectancy
VOIR vested in possession
possession

incoming tenant (1°) **tenant entrant**

NOTE Référence générale. Voir la NOTE sous "tenant (1°)".

ANT outgoing tenant (1°)
DIST outgoing tenant (2°)
VOIR tenant (1°)

incoming tenant (2°) **locataire entrant**

CONT An agreement between the outgoing and incoming tenants with regard to crops does not affect any existing rights of the landlord.
(Woodfall's, 28th ed. 1978, p. 2051)
NOTE Référence spécifique. Voir la NOTE sous "tenant (2°)".
ANT outgoing tenant (2°)
DIST outgoing tenant (1°)
VOIR tenant (2°)

incorporeal **incorporel**

DEF Without body; not of material nature; the opposite of "corporeal".
(Black's, 5th ed. 1979, p. 690)
CONT A dominant tenement may be wholly incorporeal, or partly corporeal and partly incorporeal, as where it ... comprises both physical land and rights over the land of others....
(Megarry & Wade, 4th ed. 1975, p. 807)

ANT corporeal

indefeasibly vested interest — **intérêt indéfectiblement dévolu**

CONT Absolutely or indefeasibly vested interests. An example of this type would be a grant by G "to A for life, remainder to B in fee simple". In this example, B's remainder is vested absolutely. If, however, B's interest were defeasible by an executory interest, or in some other way, it would not be vested absolutely. Historically, any estate in remainder, if it was not defeasible by executory limitation, contingent remainder, or otherwise, was regarded as vested absolutely. Modern classifications, however, regard any remainder less than a fee simple absolute, or analogous interest in personalty to one person, as not indefeasibly vested, since the person to whom it is limited may not survive until it falls into possession.
(Anger & Honsberger, 2nd ed. 1985, p. 350)

DIST (contingently vested interest)
vested interest
VOIR indefeasible
vested (adj.) (2°)
interest
absolutely vested interest

industrial crop — **récolte industrielle**

CONT The traditional division of crops divides them into natural crops and industrial crops, known in the law respectively as fructus naturales and fructus industriales. Under the traditional classification ... [i]ndustrial crops are those which are annually planted and initially cultivated by man.
(Cartwright, 1972, p. 476)

SYN fructus industriales
DIST natural crop
fructus naturales
VOIR product of the soil
produce of the soil
emblements

industrial growing crop — **récolte industrielle en cours de croissance**

CONT The term "industrial growing crops" ... is probably a wider term than emblements or the Scottish equivalent, "way-going crops". Its possible effect may be to include in "goods" such crops as grass or clover, which did not come within the term of "emblements".
(Chalmer's Sale of Goods, 18th ed. 1981, p. 268)

DIST industrial crop
fructus industriales
standing crop
natural crop
fructus naturales
emblements
VOIR growing crop

interest in expectancy — **intérêt en expectative**

VOIR interest (1°)
in expectancy
SYN expectant interest
DIST expectancy
estate in expectancy

intermediate estate — **domaine intermédiaire**

DEF An estate intervening [between] the interest giving a right of present possession and the remote future interest, the effect of which is to prevent a merger of such present and future interests to create a fee simple.
(Cartwright, 1972, p. 492)

DIST immediate estate
present estate
future estate
intermediate interest
VOIR estate (1°)

intermediate interest **intérêt intermédaire**

EX [An] intermediate interest [is] an interest in real estate so limited as to be between a life estate and an ultimate interest by way of remainder.
(Ballentine's, 3rd ed. 1969, p. 652)

DIST immediate interest
present interest
future interest
intermediate estate
VOIR intervening interest
interest

intermingling (n.) **mélange**

EX In confusion, however, there is simply an intermingling of the goods of different owners. The goods of each retain their original form and characteristics, but because of the circumstance of the intermingling can no longer be identified, separated, and returned to their respective owners.
(Brown, 2nd ed. p. 64)
NOTE Terme de soutien.

DIST confusion
confusio
confusion of goods
adjunction
adjunctio
merger
VOIR commixtion
commixture
commixtio
admixture
intermixture
mingling (n.)
commingling (n.)

intermixture **mélange**

CONT Confusion is the intermixing of similar things belonging to two or more persons in such manner that the original portions cannot be distinguished. The new product is the same in kind as the pre-existing materials. Intermixture and confusion are not synonymous terms. Intermixture may exist without confusion, but confusion can never exist without an intermixture.
(Fryer, 3rd ed. 1938, p. 687)
CONT The doctrine of intermixture only applies where there is a commingling of substance and the parts are no longer distinguishable; not to a mere confusion of goods which leaves separation possible. Thus it applies to corn, oil, wine, etc, including logs of timber; not to books in a library, tables, chair and the like.
(Crossley Vaines, 5th ed. 1973, p. 434)

DIST confusion
confusion of goods
confusio
adjunction
adjunctio
merger
VOIR commixture
commixtion
commixtio
admixture
mingling (n.)
commingling (n.)
intermingling (n.)

intervening interest **intérêt interposé**

CONT Where the intermediate limitation did not create a present vested estate of freehold but merely a contingent interest ..., merger occurred, but the two estates separated to let in the intervening interest as soon as it vested. Thus if land was given "to A for life, remainder to his eldest son in tail, remainder to the heirs of A", the Rule gave A a fee simple in possesion until he had a son; upon birth of a son, A's life estate in possession and fee simple in remainder separated and allowed the son's vested remainder in tail to fall into its proper place. (Megarry & Wade, 4th ed. 1975, p. 63)

DIST immediate interest
preceding interest
prior interest
successive interest
VOIR intermediate interest
interest

involuntary bailee **baillaire involontaire**

VOIR involuntary bailment
constructive bailee
quasi-bailee
bailee
DIST actual bailee

involuntary bailment **bailleement involontaire**

DEF A bailment arising by the accidental leaving of personal property in the possession of any person, without negligence on the part of its owner. The deposit or placing of goods in a person's possession without his consent, as where a departing lodger leaves goods behind; or lost goods are found on land. A bailment resulting from the action of the elements in moving property onto the premises of one other than the owner of the property. (Ballentine's, 3rd ed. 1969, pp. 664-5)

CONT In all these situations involving possession by one of another's goods without mutual consent but without initial wrongdoing on the possessor's part, courts have placed great importance on how the relationship is labelled or characterized. Sometimes the term used is "constructive bailment,".... Perhaps more common is "involuntary bailment," which suggests a somewhat different sort of situation from consensual bailment and leaves uncertainty as to whether usual bailment rules will be applied. (Brown, 3rd ed. 1975, p. 320)

DIST actual bailment

VOIR constructive bailment
quasi-bailment
bailment

irremovable fixture — **accessoire fixe inenlevable**

CONT [T]he true criterion of an irremovable fixture consists in the united application of several tests: 1st. Real or constructive annexation of the article in question to the realty: 2nd. Appropriation or adaptation to the use or purpose of that part of the realty with which it is connected; 3rd. The intention of the party making the annexation to make the article a permanent accession to the freehold, this intention being inferred from the nature of the article affixed, the relation and situation of the party making the annexation, and the policy of the law in relation thereto, the structure and mode of the annexation and the purpose or use for which the annexation was made. Of these three tests, the clear tendency of modern authority seems to give pre-eminence to the question of intention to make the article a permanent accession to the freehold, and the others seem to derive their chief value as evidence of such intention.
(Reiter, Risk & McLellan, 2nd ed. 1982, pp. 131-2)

SYN non-removable fixture
ANT removable fixture
DIST permanent fixture
accessory
appendant (n.)
appurtenance
VOIR fixture

Joint beneficial interest — **intérêt bénéficiaire conjoint**

VOIR Joint interest
beneficial interest
beneficial joint tenant
DIST beneficial interest in common

leasehold land — fonds à bail, terre à bail

CONT The wide language of the Statute of Wills was held to override the rule that a freehold estate could not be created in a chattel interest in land. Consequently, it became possible to give a life interest in leasehold land by will, though not by conveyance inter vivos.
(Megarry & Wade, 4th ed. 1975, p. 161)
EX (1) A separate register of leasehold land shall be kept and, (a) any person who has contracted to buy for his own benefit leasehold land held under a lease for a life or lives, or determinable on a life or lives, or for a term of years of which at least twenty-one are unexpired ... may apply to the land registrar to be registered or to have registered in his stead any nominee as owner of such leasehold land....
(R.S.O. 1980, c.230, s.39)

DIST freehold land
VOIR land (2°) & (3°)
leasehold (1°)

legal contingent remainder — résidu éventuel en common law

EX At common law ... a legal contingent remainder failed altogether unless it vested during the continuance, or at the determination, of the preceding particular estate. A single legal contingent remainder was accordingly bound to vest if at all, during or at the end of a life in being....
(Megarry & Wade, 4th ed. 1975, p. 248)

DIST equitable contingent remainder
legal executory interest
VOIR legal remainder
contingent remainder

legal executory interest — **intérêt non réalisé en common law**

CONT Legal executory interests are future interests which arise either under a use executed by the Statute of Uses or, formerly, under a will.
(Anger & Honsberger, 2nd ed. 1985, p. 416)
CONT [L]egal executory interests ... are interests of a kind quite different from those recognized by the common law. As the word 'legal' indicates, they are interests that affect legal title. They are 'executory' in that they are always contingent and never vested, and when the contingency occurs they vest forthwith in possession and do not pass through the stage of vesting in interest. Moreover, legal executory interests are not subject to the common law remainder rules and in this sense, in contrast with legal contingent remainders, may be termed 'indestructible'.
(Mendes da Costa & Balfour, 1982, p. 771)
CONT The immediate effect of the statute [of Uses] was that it converted what were formerly equitable executory interests into legal ones. This did not result in destroying them, however. That would have been the case if they had to take effect at common law but, since the Statute of Uses directed that the cestuis que use should have the same estates at law as they had in the use, their interests, known as legal executory interests, were enforced.
(Anger & Honsberger, 2nd ed. 1985, p. 39)
NOTE Dans l'équivalent normalisé, l'élément "non réalisé" se voit attribuer une vocation technique selon laquelle il désigne ce qui est à réaliser.
NOTE L'élément "legal" du terme anglais s'oppose dans certains contextes à "common law". Le terme pourra dans ces cas être rendu par une expression explicative telle que "intérêt non réalisé sous le régime législatif".

DIST equitable executory interest
legal remainder
legal contingent remainder
legal future interest
VOIR executory interest (2°)
legal (3°) & (4°)

legal future interest — **intérêt futur en common law**

EX [The Statute of Wills] permitted a person to devise his lands "at his free will and pleasure". The effect of this language was that devises did not have to comply with the common law remainder rules so that new legal future interests ... could be created....
(Anger & Honsberger, 2nd ed. 1985, p. 348)
NOTE L'élément "legal" du terme anglais s'oppose dans certains contextes à "common law"; le terme pourra dans ces cas être rendu par une expression explicative telle que "intérêt futur sous le régime législatif".

SYN common law future interest
DIST equitable future interest
legal remainder
VOIR future interest
legal (3°)

legal property right — **droit de propriété en common law**

EX Under the Married Women's Property Act, 1882 ... [t]he court must give effect to the legal and equitable property rights of the parties as they exist, and there is no doctrine of "family assets" which gives the court discretion to depart from the ordinary law of ownership.
(Megarry & Wade, 4th ed. 1975, p. 997)

DIST equitable property right
VOIR property right (1°)
legal right (2°)

legal right (2°) **droit en common law**

CONT Rights which the common law courts would recognize and enforce were known as rights at common law, or simply as "legal rights".
(Megarry & Wade, 4th ed. 1975, p. 8)

DIST equitable right
legal estate
legal interest
VOIR (right)
legal (3°)

legal seisin **saisine en common law**

NOTE Le terme désigne la saisine d'un domaine franc de common law et s'oppose ainsi à "equitable seisin".

DIST equitable seisin
(seisin in law)
VOIR seisin
legal (3°)

life estate in remainder **domaine viager résiduel**

CONT [T]he fee simple ... may be carved up into lesser estates, namely, the fee tail ... and the life estate, which lasts for the duration of the life specified. These several estates may exist in possession, in remainder, or in reversion. An estate in remainder is created when a person is given an estate but he is not entitled to possession until the expiration of a prior estate created by the same instrument.
(Anger & Honsberger, 2nd ed. 1985, p. 11)

DIST remainder in fee
remainder in fee simple
remainder in fee tail
life estate in reversion
VOIR remainder for life
life estate
remainder

life estate in reversion **domaine viager de réversion**

CONT [T]he fee simple ... may be carved up into lesser estates, namely, the fee tail ... and the life estate, which lasts for the duration of the life specified.... These several estates may exist in possession, in remainder, or in reversion.... An estate in reversion is the estate retained by the grantor when he conveys away a lesser estate.
(Anger & Honsberger, 2nd ed. 1985, p. 11-12)

DIST reversion in fee
reversion in fee simple
life estate in remainder
VOIR reversion for life
life estate
reversion (2°)

limit (v.) **délimiter**

DEF To limit an estate or interest is to mark out the extreme period during which it is to continue....
(Jowitt's, 2nd ed. 1977, p. 1102)
DEF [T]o limit an estate means to mark out or to define the period of its duration....
(Black's, 5th ed. 1973, p. 834)
EX An interest may thus be said to be vested if, (a) it is limited to a person who is in existence, (b) it is limited to a person who is ascertained, and (c) it is not subject to a condition precedent.
(Anger & Honsberger, 2nd ed. 1985, p. 350)
EX In a conveyance where land is limited to such uses as the husband might ... appoint and in default of appointment to him in fee, the fee simple continues in the settlor.
(Anger & Honsberger, supra, p. 346)
NOTE Le verbe anglais s'emploie généralement au passif sans complément d'agent; un complément d'objet indirect (personne ou chose) s'ajoute souvent. En français, le complément d'objet indirect sera normalement introduit par une locution prépositive neutre comme "à l'endroit de". Les locutions qui connotent l'avantage ("au profit de", "au bénéfice de", etc.) sont à éviter dans ce contexte.

DIST (convey (v.))
(grant (v.))
(settle (v.))
(assign (v.))
VOIR limitation (2°)

limitation (2°) délimitation

CONT Words of limitation are words which define the nature of the interest acquired. They are called words of limitation because it is the grantor's right to limit an estate as he sees fit, and the effect of the words is generally called a "limitation".
(Anger & Honsberger, 2nd ed. 1985, p. 100)
CONT [I]f there is a gift to A for life, and after his death to B, this is a limitation of a life interest to A, and of the remainder to B. Hence a limitation is opposed to a condition or defeasance which may put an end to an interest before the time fixed for its extreme duration....
(Jowitt's, 2nd ed. 1977, p. 1102)

DIST condition
(defeasance)
(grant)
(conveyance)
(assignment)
(settlement)
VOIR (words of limitation)
(general limitation)
(special limitation)
(collateral limitation)

USAGE limitation

limitation (3°) **délimitation**

CONT To limit an estate or interest is to mark out the extreme period during which it is to continue, and the clause by which this is done in a conveyance, will, etc., is called a limitation.
(Jowitt's, 2nd ed. 1977, p. 1102)
EX [A] limitation "To A in tail, but if A's issue should at any time fail then to B in fee simple" gives 3 a vested remainder....
(Megarry & Wade, 4th ed. 1975, p. 175)
EX In a conveyance, it is not necessary, in the limitation of an estate in fee simple, to use the word "heirs".
(R.S.O. 1980, c.90, s. 5(1))
NOTE Acception métonymique dérivée de "limitation (2°)".

DIST condition
(defeasance)

USAGE limitation

limitation (4°) **délimitation**

CONT A remainder was a limitation so framed as to be immediately expectant on the natural determination of a particular estate of freehold, and the rule was that a future limitation which might cut short the particular estate could not be a valid remainder.
(Megarry & Wade, 4th ed. 1975, p. 185)
CONT An estate in tail special may be a limitation to the donee and the heirs of his or her body by a particular wife or husband, or it may be a limitation to a man and woman already married, or able lawfully to marry, and the heirs of their bodies.
(Anger & Honsberger, 2nd ed. 1985, p. 132)
NOTE Le terme désigne le domaine ou l'intérêt que crée la limitation au sens (2°).

DIST estate
interest

limitation over (1°)

[NOTE Au moment de la publication du tome 3, l'équivalent de ce terme n'avait pas fait l'objet d'une décision de normalisation. L'entrée figure dans le Vocabulaire comme complément à l'analyse notionnelle des termes apparentés.]

DEF The disposition made by deed or will of an estate or interest following the termination of a prior estate.... (Ballentine's, 3rd ed. 1969, p. 741)
EX [W]ords of express condition are not ordinarily construed as a limitation unless there is a limitation over, so that, if strict words of condition are used but if, on breach of the condition, the estate is limited to a third person and does not revert to the grantor, the words are construed as a conditional limitation and not a condition.
(Anger & Honsberger, 2nd ed. 1985, p. 309)

DIST (alternative limitation)
executory limitation
conditional limitation
contingent limitation
successive limitation
(gift over)
VOIR limitation (2°)

limitation over (2°)

[NOTE Au moment de la publication du tome 3, l'équivalent de ce terme n'avait pas fait l'objet d'une décision de normalisation. L'entrée figure dans le Vocabulaire comme complément à l'analyse notionnelle des termes apparentés.]

CONT This term includes any estate in the same property created or contemplated by the conveyance, to be enjoyed after the first estate granted expires or is exhausted.
(Black's, 5th ed. 1979, p. 835)

DIST (gift over)
reversion
remainder
VOIR limitation (4°)

limited interest (1°) **intérêt limité**

DEF An interest which is qualified or which falls short of being an absolute interest.
(Ballentine's, 3rd ed. 1969, p. 741)
CONT The terms "absolute", "limited", ... etc., were applied to interests in the same senses in which they were applied to estates.
(Jowitt's, 2nd ed. 1977, p. 996)
CONT [L]egal estates cannot exist in personalty, but by means of a trust limited equitable interests, including entailed interests, may be annexed to the legal title.
(Crossley Vaines, 5th ed. 1973, p. 30)

DIST absolute interest
qualified interest
conditional interest
limited right
VOIR interest (1°)

limited interest (2°) **intérêt limité**

CONT The policy of the [Settled Land] Act of 1925, like that of its predecessor, was to give full powers of management to all limited owners. In general, therefore, any limited interest (e.g., for life, in tail, or for a determinable fee) indicates a settlement.
(Megarry & Wade, 4th ed. 1975, p. 314)

DIST absolute interest
qualified interest
conditional interest
limited estate
limited right
VOIR interest (2°)

limited owner **propriétaire limité**

DEF A tenant for life, or by the curtesy, or other person not having absolute ownership.
(Black's, 5th ed. 1979, p. 836)
DEF An owner whose interest in the property is not absolute....
(Ballentine's, 3rd ed. 1969, p. 741)

DIST absolute owner
qualified owner
special owner
VOIR limited ownership
limited interest
owner

limited ownership **propriété limitée**

CONT As to its duration, ownership may be absolute or unlimited ... as in the case of an estate in fee simple, or limited ... that is, liable to determine at a certain time or on the happening of a given event, as in the case of a lessee or tenant for life.
(Jowitt's, 2nd ed. 1977, p. 1301)

DIST absolute ownership
qualified ownership
special ownership
VOIR ownership
limited interest

locatarius **locatarius** *

[* Terme latin.]

DEF A depositee.
(Jowitt's, 2nd ed. 1977, p. 1114; Black's, 5th ed. 1979, p. 847)

SYN depositee
depositary
depository (2°)
DIST locator
locatio
locatum

locatio conductio locatio conductio *

[* Terme latin.]

CONT Locatio conductio [is] a bailment for a reward or compensation. It is divisible into four sorts: (1) the hiring of a thing for use (locatio rei); (2) the hiring of work and labour (location operis faciendi); (3) the hiring of care and services to be performed or bestowed on the thing delivered (locatio custodiae); (4) the hiring of the carriage of goods (locatio operis mercium vehendarum) from one place to another.
(Jowitt's, 2nd ed. 1977, p. 910)

SYN locatio et conductio
DIST commodatum
locatio custodiae
locatio operis
locatio operis faciendi
locatio rei
hire (1°)
let (n.)
letting (n.)
rental (1°)
VOIR bailment

locatio custodiae locatio custodiae *

[* Terme latin.]

DEF [T]he receiving of goods on deposit for reward.
(Jowitt's, 2nd ed. 1977, p. 1114)

DIST custody
locatio operis faciendi
locatio rei
depositum
VOIR locatio conductio
bailment

locatio et conductio locatio et conductio *

[* Terme latin.]

CONT Bailments are of six kinds the classification being of importance from the different nature of the bailee's liability in each case.... (3) when goods are left for hire with the bailee to be used by him; this is called locatio et conductio....

SYN locatio conductio
DIST commodatum
locatio custodiae
locatio operis
locatio operis faciendi
locatio rei
hire (1°)
let (n.)
letting (n.)
rental (1°)
VOIR bailment

locatio operis locatio operis *

[* Terme latin.]

DEF [Locatio operis or operis faciendi:] the hiring of labour and services.
(Jowitt's, 2nd ed. 1977, p. 1114)

SYN locatio operis faciendi
DIST locatio rei
locatio custodiae
VOIR locatio conductio
bailment

locatio operis faciendi **locatio operis faciendi** *

[* Terme latin.]

DEF [A] bailment of a thing for the purpose of having some work and labor or care and pains bestowed on it for a pecuniary recompense.
(Black's, 5th ed. 1979, p. 847)
CONT Bailments are of six kinds, the classification being of importance from the different nature of the bailee's liability in each case.... (5) when goods or chattels are delivered to be carried, or something is to be done about them for a reward to be paid by the person who delivers them to the bailee who is to carry them or to do the thing about them; this is sometimes called locatio operis faciendi....
(Jowitt's, 2nd ed. 1977, p. 176)

SYN locatio operis
DIST locatio rei
locatio custodiae
VOIR locatio conductio
bailment

locatio rei **locatio rei** *

[* Terme latin.]

DEF The bailment or letting of a thing to be used by the bailee for a compensation to be paid by him.
(Black's, 5th ed. 1979, p. 847)

DIST commodatum
locatio custodiae
locatio operis
locatio operis faciendi
hire
VOIR locatio conductio
bailment

locator — bailleur-loueur

CONT [W]hen goods are left for hire with the bailee to be used by him; this is called locatio et conductio, and the lender is called locator....
(Jowitt's, 2nd ed. 1977, p. 176)

DIST conductor
locatarius
VOIR locatio et conductio
bailor

locatum — locatum *

[* Terme latin.]

DEF A hiring.
(Black's, 5th ed. 1979, p. 847)
NOTE Terme explicatif employé dans le contexte des bailments.

VOIR hire (1°)
hiring (n.)
locatio conductio

long user — long usage

CONT The doctrine of the lost modern grant is really a variety of prescription at common law. Its development was begun in the 18th century, in England, by the Courts as a means of avoiding the problem of having to show user since 1189. This was achieved by presuming from long user (say, 50 years) that an actual grant of the right had been made when the enjoyment began, but that the deed making the grant had been lost.
(Law Reform Commission of British Columbia, Report on Limitations, 1970, p. 9)

DIST immemorial user
ancient user
long possession
VOIR user
long use
(lost modern grant)

lost property — bien perdu

DEF Personal property from which the owner has involuntarily parted through neglect, carelessness or inadvertence.... Property casually and unknowingly dropped by the owner.
(Black's, 5th ed. 1979, p. 757)
NOTE Dans certains contextes, l'expression plus générale "la chose perdue" pourra s'employer pour exprimer la même notion.

DIST mislaid property
misplaced property
derelict
estray
stray
VOIR property (1°)

lucrative bailee **baillaire rémunéré**

DEF The bailee of a lucrative bailment; a bailee for hire.
(Ballentine's, 3rd ed. 1969, p. 758)

SYN bailee for hire
bailee for reward
DIST gratuitous bailee
VOIR lucrative bailment
bailee

lucrative bailment **baillement rémunéré**

DEF One which is undertaken upon a consideration and for which a payment or recompense is to be made to the bailee, or from which he is to derive some advantage.
(Black's, 5th ed. 1979, p. 129)
DEF A bailment for hire.
(Ballentine's, 3rd ed. 1969, p. 758)

SYN bailment for hire
bailment for reward
DIST gratuitous bailment
VOIR bailment

malicious waste **dégradation malveillante ***

[* Terme non normalisé.]

CONT With respect to impeachability for waste, it has been seen that a "tenant in tail after possibility of issue extinct" could be restrained from committing equitable or malicious waste, such as tearing down the main residence without cause. Equity protected the remainderman or reversioner in such a case since, as in the case of a life estate, the reversion or remainder is certain to fall into possession.
(Anger & Honsberger, 2nd ed. 1985, p. 134)

DIST legal waste
VOIR equitable waste
voluntary waste

mandatary **baillaire-mandataire**

DEF A bailee under a bailment of the class known as mandatum.
(Ballentine's, 3rd ed. 1969, p. 770)

DIST mandator
VOIR mandatum
mandate
bailee

mandate **baillement-mandat**

DEF A bailment of property in regard to which the bailee engages to do some act without payment. Agreement to perform services for another without pay.
(Black's, 5th ed. 1979, p. 867)
CONT The word mandate is also used as an equivalent for mandatum, a bailment of goods, without reward, to be carried from place to place, or to have some act performed about them.
(Jowitt's, 2nd ed. 1977, p. 1140)

SYN mandatum
DIST locatum
locatio operis
locatio operis faciendi
VOIR bailment

mandator **baillant-mandant**

DEF The person who makes a bailment of mandatum.
(Ballentine's, 3rd ed. 1969, p. 771)

DIST mandatary
VOIR mandatum
mandate
bailor

mandatum **mandatum** *

[* Terme latin.]

DEF A bailment of goods without recompense, where the mandatary or person to whom the property is delivered, undertakes to do some act with respect to the thing bailed, as simply to carry it; a bailment of something for some gratuitous service upon it by the bailee.
(Ballentine's, 3rd ed. 1969, p. 771)
CONT Bailments are of six kinds, the classification being of importance from the different nature of the bailee's liability in each case.... (6) when there is a delivery of goods or chattels to somebody who is to carry them or do something about them gratis, without any reward for such work or carriage; this is called mandatum.
(Jowitt's, 2nd ed. 1977, p. 176)

SYN mandate
DIST locatio operis
locatio operis faciendi
locatum
VOIR bailment

measuring life **vie-mesure**

CONT While there has been much controversy over who may be lives in being under the common law rule, the orthodox view is that they are those lives which validate the gift and none other. In theory the difficulty can easily be removed by statute, namely, by providing a statutory list of measuring lives.
(Anger & Honsberger, 2nd ed. 1985, p. 525)
EX A bequest, "to the grandchildren of A when they marry". At the testator's death A and his wife, B, are living. So are their children, C, D and E. C is married to F. They have one child, G. F's parents, H and J, are also alive. At common law this gift would be void, for there is no person of whom it can be said that the interest must vest within twenty-one years of his death.... Under the Ontario Act, wait and see becomes operative. The question is who are the measuring lives? It is probable that they include A and B. They are relevant factors that limit the vesting of their grandchildren's interest, because they are progenitors.... As to H and J, it is doubtful that they can be measuring lives since they would not even have been considered at common law, as seems to be required by section 6(1). That leaves only G who is a measuring life under section 6(2).
(Anger & Honsberger, supra, pp. 531-2)
NOTE Le terme désigne la vie qui constitue le point de repère aux fins de la rule against perpetuities.

VOIR perpetuity period
cestui que vie
(life in being)

mere expectancy **simple expectative**

CONT An expectancy ... is no right at all ... because, in the case of a mere expectancy, nothing has been done to create an obligation in any event; and where there is no obligation, there can be no right....
(Fearne, 10th ed. 1844, pp. 23-24)

SYN bare expectancy
DIST mere possibility
VOIR expectancy

mere possibility **simple possibilité**

CONT [W]hat is termed a bare or mere possibility signifies nothing more than an expectancy, which is specifically applied to a mere hope of succession, unfounded in any limitation, provision, trust, or legal act whatever; such as the hope which an heir apparent or presumptive has of succeeding to the ancestor's estate.
(Words and Phrases/U.S., Vol. 33, p. 114)
CONT A possibility of reverter is the interest that remains in the grantor, or in the heirs of the testator, who has conveyed or devised a determinable fee simple. It is a possibility that the grantor or the testator's heirs will reacquire the fee, that is, a vested interest, in the future. Thus, it is a mere possibility and not an estate or interest in land.
(Anger & Honsberger, 2nd ed. 1985, p. 381)
CONT The Conveyancing and Law of Property Act provides that ... a possibility coupled with an interest in land ... may be disposed of by deed. It has been pointed out that the section does not appear to authorize the conveyance of a mere possibility before breach of a condition, as such possibility is not coupled with an interest in land....
(Anger & Honsberger, supra, p. 308)

SYN (bare possibility)
naked possibility
DIST possibility coupled with an interest
possibility (1°)
VOIR possibility (2°)
expectancy (1°)

mere right **simple droit**

DEF The jus mereum, or mere right of property, without either possession or even the right of possession.
(Ballentine's, 3rd ed. 1969, p. 794)
CONT "Right" is used by the old writers on real property law in the technical sense of a right which an owner of land had when he had been disseised, so that he had only the right of recovering possession either by entry or action. His estate was then said to be turned to a right.... [I]f [he] further suffered a certain time to elapse, or had judgment given against him in a possessory action, he could no longer recover by a possessory action, but only by an action on the right, meaning the right of ownership as opposed to the right to possession. Hence his estate was said to be turned to a mere, bare or naked right.
(Jowitt's, 2nd ed. 1977, p. 1583)
NOTE Acception stricte en droit des biens.

SYN bare right
naked right
DIST estate
interest
possessory right
right of possession
right to possession
VOIR right of ownership

mere right of entry **simple droit d'entrée**

CONT Rights of entry are of two kinds. An original or mere right of entry is a right of entry and nothing more.

DIST right of re-entry
right of entry for condition broken
VOIR (original entry)
right of entry

merge (v.) **fondre, se fondre**

CONT A lease for a term merges in the reversion if the tenant surrenders it to the landlord with the mutual intent that it shall merge....
(Anger & Honsberger, 2nd ed. 1985, p. 1494)
CONT [A]n estate tail cannot be merged, nor surrendered, nor extinguished by accession of a greater estate.
(Anger & Honsberger, 2nd ed. 1985, p. 1494)
NOTE L'usager sera appelé à choisir entre "fondre" et "se fondre" pour rendre merge (v.) afin de tenir compte des différentes prépositions qui sont jointes au verbe merge, par exemple merge with, merge in ou merge into.

VOIR merger

merger **fusion**

DEF The fusion or absorption of one thing or right into another; generally spoken of a case where one of the subjects is of less dignity or importance than the other. Here the less important ceases to have an independent existence.
(Black's, 5th ed. 1979, p. 891)
CONT In order to effect a merger there must be two interests at least in the same property, or in the same part of the same property, which must vest in the same person; the several interests must be immediately expectant upon each other; the more remote interest must be without any intervening vested interest or contingent remainder created in the same instant of time and by the same means which originated the other interest, and the determination or acquisition of an intermediate interest may be the cause of merger, as between interests kept distinct by means of such intermediate interest; the interest in reversion or remainder must be larger than the preceding interest; there cannot be a merger as between equal estates of freehold.
(Jowitt's, 2nd ed. 1977, p. 1176)
NOTE Acception propre au droit des biens.

DIST unity of ownership (2°)
unity of possession (2°)
unity of seisin
confusion
adjunction
accession
accretion

messuage **masuage**

CONT [A] dwelling-house with its out-buildings and curtilage and adjacent land assigned to the use thereof. In Monks v. Dykes (1839) 4 M & W. 567, it was said that a messuage and a dwelling-house are substantially the same thing, and therefore if rooms are so occupied as to be in fact a dwelling-house, they may be described as a messuage. As a word of conveyance, "messuage" includes not only the buildings but also the curtilage, orchard and garden belonging thereto.
(Jowitt's, 2nd ed. 1977, p. 1179)

DIST (homestead)
(curtilage)
VOIR appurtenance

mingling (n.) **mélange**

NOTE Terme de soutien.

DIST confusion
confusio
confusion of goods
adjunction
adjunctio
merger
VOIR commixtion
commixture
commixtio
admixture
intermixture
commingling (n.)
intermingling (n.)

mislaid goods (plur.) **objets égarés**

CONT To intentionally place an article down and then go away, forgetting it, is not in the eyes of the law a losing of it, nor is the subsequent discoverer of such an article the finder thereof. Such articles constitute "mislaid goods" which are in the custody of the proprietor of the locus in quo and not of the one who discovers.
(Brown, 2nd ed., p. 38)

DIST derelict
lost property
estray
stray
VOIR mislaid property
goods

mislaid property **bien égaré**

DEF Property which an owner has put deliberately in a certain place but owner is unable to remember where he put it, as distinguished from lost property which the owner leaves unwittingly in a place, forgetting its location.
(Black's, 5th ed. 1979, p. 1095)
NOTE Dans certains contextes, l'expression plus générale "la chose égarée" pourra s'employer pour exprimer la même notion.

SYN misplaced property
DIST lost property
derelict
estray
stray
VOIR property (1°)

misplaced property **bien égaré**

NOTE Dans certains contextes, l'expression plus générale "la chose égarée" pourra s'employer pour exprimer la même notion.

SYN misplaced property
DIST lost property
derelict
estray
stray
VOIR property (1°)

naked possibility **simple possibilité**

DEF A bare chance or expectation of acquiring a property or succeeding to an estate in the future, but without any present right in or to it which the law would recognize as an estate or interest.
(Black's, 5th ed. 1979, p. 1049)

SYN (bare possibility)
mere possibility
DIST possibility coupled with an interest
possibility (1°)
VOIR possibility (2°)
expectancy (1°)

naked right **simple droit**

CONT "Right" is used by the old writers on real property law in the technical sense of a right which an owner of land had when he had been disseised, so that he had only the right of recovering possession either by entry or action. His estate was then said to be turned to a right. If A was disseised by B, and B died while in possession, so that the land descended to his heir, A could not recover possession by entry but had to bring a possessory action; if A further suffered a certain time to elapse, or had judgment given against him in a possessory action, he could no longer recover by a possessory action, but only by an action on the right, meaning the right of ownership as opposed to the right to possession. Hence his estate was said to be turned to a mere, bare or naked right.
(Jowitt's, 2nd ed. 1977, p. 1583)
NOTE Acception stricte en droit des biens.

SYN bare right
mere right
DIST estate
interest
possessory right
right of possession
right to possession
VOIR right of ownership

natural accession — accession naturelle

ANT artificial accession
DIST (industrial accession)
VOIR accession (1°)

natural crop — récolte naturelle

CONT [N]atural crops are all those products of the earth having perennial roots, and growing naturally without the aid or cultivation of man.
(Cartwright, 1972, p. 476)

DIST industrial crop
fructus industriales
VOIR product of the soil
produce of the soil
emblements

net lease — bail à loyer net

DEF A lease, usually commercial, in which the lessee pays not only the rent for occupancy, but also pays maintenance and operating expenses such as taxes, insurance, utilities and repairs. The rent paid is "net" to the lessor.
(Reilly, 2nd ed. 1982, p. 294)

DIST gross lease
fixed lease
flat lease
VOIR net net lease
net net net lease
triple net lease
lease (1°)
net rent

net net lease **bail à loyer supernet**

CONT In a "net-net" lease the object is to ensure that the tenant pays all outgoings with respect to the demised premises and that he is entirely responsible for keeping the property in repair (including reinstatement and rebuilding if necessary); the tenant assumes public liability responsibility, effects all appropriate types of insurance and pays the premiums thereon. Under no circumstances is any abatement of rent allowed and the tenant is required to insure for continued payment of rent in the event of destruction of the premises. If the landlord is called upon to make any payment in respect of the premises, he is entitled to recover the expenditures from the tenant with the addition of rent carrying charges and interest.
(Williams & Rhodes, 5th ed., p. 17-22)
NOTE Variante orthographique : "net-net lease".

DIST gross lease
VOIR net lease
net, net, net lease
triple net lease
lease (1°)
net net rent

net net net lease — **bail à loyer hypernet**

DEF Lease in which the lessee pays all the expenses including mortgage interest and amortization leaving the lessor with an amount free of all claims.
(Black's, 5th ed. 1979, p. 801)
CONT Net, net-net and net-net-net lease. The terms net, net-net, and net-net-net are sometimes applied to financial leases. The lessee agrees to make lease payments, bears the costs of maintenance, insurance, taxes, and the like, and assumes the risks of ownership. Frequently, net-net-net is used to refer to maintenance, taxes, and insurance.
(Pritchard & Hindelang, Revised Edition, p. 49)
NOTE Variante orthographique : "net-net-net lease".

SYN triple net lease
DIST gross lease
VOIR net lease
net, net lease
lease (1°)

net net rent — **loyer supernet**

CONT A net net rent (...) means one in which the tenant pays all charges, impositions and expenses of every nature and kind related to the demised premises.
(Re Kosmor Construction Inc. and Rusonik (1979), 22 O.R. (2d) 814)

VOIR net net lease
net rent
rent (1°)

net rent **loyer net**

CONT "When a party stipulates to receive a net rent, that means a rent clear of all deductions to which it would otherwise be liable".
(Stroud's, 4th ed. 1971, Vol. 3, p. 1756)

VOIR net lease
net net rent
rent (1°)

nominal **nominal**

DEF Existing or being something in name or form.
(Webster, 1976)
DEF [C]onnected with the transaction or proceeding in name only, not in interest.
(Black's, 5th ed. 1979, p. 946)
NOTE Acception stricte en droit des biens.

DIST beneficial
equitable (2°)

nominal owner **propriétaire nominal**

CONT A may be the owner of a thing as against all the world except B, while with regard to B he may have no rights of ownership at all, being bound, by virtue of a personal relation between them, to allow B to have the use and profits of the property, or even to deal with the property as B may direct. As the rules of the common law only recognize A's rights to the property and ignore those of B, A is called the legal owner, while B is called the equitable owner, because his rights are only recognized by virtue of the doctrines of equity. The legal owner is the nominal owner, the equitable the beneficial owner.
(Jowitt's, 2nd ed. 1977, p. 1302)

DIST beneficial owner
equitable owner
nominal ownership
VOIR legal owner
owner
nominal

nominal ownership **propriété nominale**

CONT Nominal and beneficial ownership occurs where two persons are owners in respect of one thing, although one of them either cannot derive any benefit from it at all, or has only exactly defined rights over it, while the other has the real benefit of the thing.
(Jowitt's, 2nd ed. 1977, pp. 1301-2)
CONT Beneficial ownership is the right to the enjoyment of a thing as contrasted with ... nominal ownership.
(Osborn, 6th ed. 1976, p. 243)

DIST beneficial ownership
equitable ownership
nominal owner
VOIR legal ownership
ownership
nominal

non-owner — non-propriétaire

CONT When a person accepts goods from a non-owner and knows that they belong to someone other than the immediate deliveror, he should owe the duties of a bailee to the owner himself as well (if this intention is clear from the circumstances of the delivery) to the deliveror.
(Palmer, 1979, p. 29)

ANT owner
DIST possessor
proprietor

non-proprietary interest — intérêt non propriétal

ANT proprietary interest (1°)
DIST proprietary interest (2°)
non-proprietary right
possessory interest
VOIR interest (1°)

non-proprietary right — droit non propriétal

ANT proprietary right (1°)
DIST proprietary right (2°)
non-proprietary interest
possessory right

non-removable fixture — **accessoire fixe inenlevable**

CONT It is ... impossible to consider the degree of annexation and the object or purpose of annexation separately, for, as the cases indicate, an article which is not physically attached or is only lightly attached may be a permanent improvement so as to be a non-removable fixture and conversely an article well attached may be legally removable.
(Anger & Honsberger, 2nd ed. 1985, p. 1012)

SYN irremovable fixture
ANT removable fixture
DIST permanent fixture
accessory
appendant (n.)
appurtenance
VOIR fixture

non-reversionary interest — **intérêt non réversif**

ANT reversionary interest
VOIR interest (2°)

open possession **possession publique**

DEF Possession of real property is said to be "open" when held without concealment or attempt at secrecy, or without being covered up in the name of a third person, or otherwise attempted to be withdrawn from sight, but in such a manner that any person interested can ascertain who is actually in possession by proper observation and inquiry. (Black's, 5th ed. 1979, p. 1048)

VOIR possession

outgoing tenant (1°) **tenant sortant**

NOTE Référence générale. Voir la NOTE sous "tenant (1°)".

ANT incoming tenant (1°)
DIST incoming tenant (2°)
VOIR tenant (1°)

outgoing tenant (2°) **locataire sortant**

EX In practice there may be a sale or assignment of growing crops ... by the outgoing to the incoming tenant....
(Woodfall's, 28th ed. 1978, p. 2047)
NOTE Référence spécifique. Voir la NOTE sous "tenant (2°)".

ANT incoming tenant (2°)
DIST incoming tenant (1°)
VOIR tenant (2°)

overhold (v.) **occuper après terme**

SYN hold (v.) over
VOIR overholding
overholder
overholding tenant

overholder **occupant après terme**

EX [I]s it open to the landlord to elect to treat the overholder as a tenant so as to oblige him to pay rent under a new "imposed" tenancy?
(Laskin, 1958, p. 325)

VOIR overholding tenant
overholding (n.)
overhold (v.)

overholding (n.) **occupation après terme**

CONT Overholding with Consent. Until rent is paid or something said or done on the part of the landlord to indicate an intention to treat the tenant holding over as his tenant for a further term, the landlord may treat him as a trespasser and bring an action of ejectment. When, however, a tenant is allowed to continue in possession after the expiration of a tenancy by agreement, the terms on which he continues to occupy are matters of evidence rather than of law. If there is nothing to show a different understanding he will be considered to hold on the terms of the old lease in so far as these terms are applicable. It is also a question of intention whether the parties, when the lease provides for overholding, intend the tenant to remain under the overholding provisions or under a new lease.
(Anger & Honsberger, 2nd ed. 1985, p. 285)

SYN holding over (n.)
DIST tenancy at will
tenancy at sufferance
tenancy from year to year
VOIR overholder
overhold (v.)
(trespass)

overholding tenant (1°) **tenant après terme**

NOTE Référence générale. Voir la NOTE sous "tenant (1°)".

SYN holdover tenant (1°)
DIST tenant at will (1°)
tenant at sufferance
tenant from year to year
VOIR overholding (n.)
overhold (v.)
overholder
tenant (1°)

overholding tenant (2°) **locataire après terme**

DEF One who overholds possession of the demised permises after his lease has expired or been determined. (Canadian Law Dictionary, 1980, p. 270)
NOTE Référence spécifique. Voir la NOTE sous "tenant (2°)".

SYN holdover tenant (2°)
DIST tenant at will (2°)
tenant at sufferance
tenant from year to year
VOIR overholding (n.)
overhold (v.)
overholder
tenant (2°)

owner-lessee **propriétaire locataire ***

[* Terme non normalisé.]

VOIR owner
lessee

ownerless property **bien sans propriétaire**

CONT No title can be acquired in Treasure Trove.... It belongs to the Crown. Blackstone explains: "A man, that hides his treasure in a secret place, evidently does not mean to relinquish his property, but reserves a right to claiming it again, when he sees occasion and, if he dies and the secret also dies with him, the law gives it to the King, in part of his royal revenue.... The Second Division of the Court of Session held that the treasure belonged to the Crown as ownerless property, and that the Crown's right arose not from the feudal system but as an aspect of sovereignty.
(Crossley Vaines, 5th ed. 1973, p. 373)

DIST lost property
mislaid property
misplaced property
estray
stray

VOIR treasure trove
ownerless thing
derelict

ownerless thing **chose sans propriétaire**

CONT Acquisition of title by occupancy of goods having no former owner. [T]here are certain things of which no person is the owner. Of these wild beasts, the so-called animals, ferae naturae, and abandoned goods are the most conspicuous examples. Title to such ownerless things may be acquired by what is technically known as occupation, that is by taking possession, so that the first possessor becomes in all respects the owner of the property. (Crossley Vaines, 2nd ed., p. 15)

DIST mislaid goods
estray
stray
lost property
mislaid property
misplaced property
VOIR ownerless property
derelict

partial divestment **retranchement partiel**

CONT Vested remainders may be further subdivided into three types, viz., (i) those that are vested absolutely, (ii) those that are vested subject to partial divestment, and (iii) those that are subject to complete divestment.
(Anger & Honsberger, 2nd ed. 1985, pp. 391-2)
CONT If the remainder is to a class, as in a grant "to A for life, remainder to such of his children as attain the age of 21", the remainder will be good as to those of A's children who are 21 at A's death. Children who qualify thereafter cannot take, even though they would not be excluded under the class closing rules. Moreover, the interests of children who become 21 after the creation of the interest but before A's death, do not take effect as executory interests, but as remainders. The interests of those who are 21 at the creation of the interest are vested subject to partial divestment in favour of those who qualify subsequently.
(Anger & Honsberger, supra, pp. 394-5)
NOTE Voir la NOTE sous "divestment".

DIST complete divestment
VOIR divestment
(partial defeasance)

peaceable possession **possession paisible**

CONT [T]here should be implied in every tenancy agreement a covenant which provides that neither the landlord nor anyone who has derived authority by, from or under him shall do or cause to be done any act which has the effect of interfering with the peaceable possession of the tenant, or the reasonable peace, comfort or privacy of the tenant or members of his household.
(Ontario Law Reform Commission, Report on Landlord and Tenant Law, 1976, p. 96)

SYN peaceful possession
quiet possession
VOIR possession

peaceful enjoyment **jouissance paisible**

SYN quiet enjoyment
DIST peaceful possession
VOIR enjoyment

peaceful possession **possession paisible**

CONT With regard to "peaceful" or "peaceable" possession which permits possessor to maintain bill to quiet title and "disputed, hostile or scrambling" possession which will not support a bill to quiet title, such possessions differ in that though, as to peaceful or peaceable possession, an adverse party may be denying the complainant's right to possession, there is a denial of the fact of actual possession in a "disputed, hostile, or scrambling" possession.
(Words and Phrases/U.S., Supplement 1987, p. 56)

SYN peaceable possession
quiet possession
DIST peaceful enjoyment
hostile possession
non-adverse possession
VOIR possession

peppercorn rent **loyer symbolique ***

[* Terme non normalisé.]

CONT A peppercorn rent is a nominal rent confined to one peppercorn, which is often reserved as payment during the first few months, or years, of a building lease, but is occasionally found to extend over a long term, perhaps for many hundreds of years.
(Adkin's, 17th ed. 1973, p. 80)

VOIR (nominal rent)
rent (1°)

percentage lease — **bail à loyer proportionnel**

CONT [Percentage leases, which are] leases of commercial premises in which the rent is fixed at a percentage of the tenant's receipts or profits, and thus varies with them, have become common in the United States and are now being used in Canada.
(Laskin, Revised Edition 1964, p. 281)

DIST graduated lease
VOIR percentage rent
lease (1°)

percentage rent — **loyer proportionnel**

CONT In addition to the minimum rent, the tenant will be required to pay a percentage rent consisting of the amount by which a stipulated percentage of the tenant's gross revenue exceed the minimum rent.
(Law Society of Upper Canada, Bar Admission Course Materials, Real Estate and Landlord and Tenant, 1983-84, pp. 351-2)

VOIR percentage lease
variable rent
sliding scale rent
rent (n.) (1°)

permanent fixture — **accessoire fixe permanent**

CONT [I]n most instances articles affixed to land become fixtures; some being in the nature of permanent fixtures which pass on a conveyance of the realty, while others are removable fixtures which will not pass.
(Anger & Honsberger, 2nd ed. 1985, p. 1013)

DIST non-removable fixture
irremovable fixture
removable fixture
accessory
appendant (n.)
appurtenance
VOIR fixture

permissive enjoyment — **jouissance précaire**

EX [Enjoyment] is to a right what possession is to a corporeal thing, and it is therefore divisible, like possession, into simple, rightful, permissive, adverse....
(Jowitt's, 2nd ed. 1977, p. 702)
NOTE Permissive: permitted; allowed; suffered to continue.
(Ballentine's, 3rd ed. 1969, p. 937)

DIST adverse enjoyment
permissive possession
permissive use
permissive user
VOIR enjoyment

permissive possession **possession précaire**

CONT [P]ermissive possession [is a] term loosely applied to the occupation of real property by one person with the consent of the owner or the person entitled to possession, for example, occupation of premises by a licensee. (Ballentine's, 3rd ed. 1969, p. 937)

DIST adverse possession
hostile possession
permissive enjoyment
permissive use
permissive user
non-adverse possession
licence
VOIR possession

permissive use **usage précaire**

DEF A use of premises which is not hostile or adverse to the owner. The use of premises by express or implied permission or license granted by the owner. The use of the premises of another with his consent or sufferance. (Ballentine's, 3rd ed. 1969, p. 937)

SYN permissive user
DIST adverse use
permissive possession
permissive enjoyment
non-adverse possession
adverse possession
VOIR use (n.) (1°)

permissive user **usage précaire**

DEF A use of land which is not hostile or adverse to the owner. Use of premises by express or implied permission or license granted by the owner.
(Cartwright, 1972, p. 694)

SYN permissive use
DIST adverse use
permissive possession
permissive enjoyment
non-adverse possession
adverse possession
VOIR user

perpetuity (1°) **perpétuité**

DEF Unlimited duration.
(Jowitt's, 2nd ed. 1977, p. 1352)
DEF The quality or state of being perpetual.
(Oxford, 1933)
NOTE Acception courante, employée souvent dans le discours juridique.

DIST (remoteness)

perpetuity (2°) **perpétuité**

DEF [A]s used in the law of property, a limitation of a contingent future interest in violation of the rule against perpetuities.
(Ballentines, 3rd ed. 1969, p. 939)
DEF A limitation, whether executory or by way of remainder, of either real or personal property, which is not to vest until after expiration of, or will not necessarily vest within, the period fixed and prescribed by law for the creation of future estates and interests, and which is not destructible by persons for the time being entitled to the property subject to the future limitation, except with the concurrence of the individual interested under that limitation.
(Ballentine's, 3rd ed. 1969, p. 939; Words and Phrases/U.S., Vol. 32, p. 176)
CONT [T]he term "perpetuity" has had at least three meanings in the common law, namely, (1) an unbarrable entail, (2) an inalienable or indestructible interest, and (3) a remote executory interest.... The third sense of the word is the modern one....
(Anger & Honsberger, 2nd ed. 1985, p. 440)

DIST future interest
executory interest
expectancy
possibility
contingent interest
contingency
VOIR rule against perpetuities
perpetuity period

perpetuity period **délai de perpétuité**

CONT [E]very future estate or interest in any kind of property ... must be such that, at the time when the instrument creating it comes into operation, it can be predicated that, if the estate or interest vests at all, it must necessarily vest not later than at the end of a certain period.... [T]his period is ... called "the perpetuity period".
(Halsbury, 4th ed., Vol. 35. p. 498)
CONT The perpetuity period during which an interest must vest is a life in being, plus twenty-one years. In addition, actual periods of gestation, both at the beginning and at the end of the period may extend the period.
(Anger & Honsberger, 2nd ed. 1985, p. 446)
CONT The period of twenty-one years comprises the full perpetuity period if the instrument creating a limitation does not indicate any life or lives for the purpose of the period.
(Anger & Honsberger, supra, p. 455)
EX Every contingent interest in real or personal property that is capable of vesting within or beyond the perpetuity period is presumptively valid until actual events establish, (a) that the interest is incapable of vesting within the perpetuity period ... or (b) that the interest is incapable of vesting beyond the perpetuity period.
(R.S.O. 1980, c. 374, s.4(1))
NOTE Comme le terme anglais, l'équivalent français désigne par ellipse le délai que fixe la règle d'interdiction de perpétuités. Voir l'entrée "rule against perpetuities".

VOIR perpetuity (2°)
rule against perpetuities

perpetuity rule — **règle d'interdiction de perpétuités**

CONT "The rule against perpetuities is not dealing with the duration of interests but with their commencement, and so long as the interest vests within lives in being and twenty-one years it does not matter how long that interest lasts." That is to say, the perpetuity rule does not invalidate a limitation merely because it provides that an interest shall cease at some future date outside the perpetuity period.
(Megarry & Wade, 4th ed. 1975, p. 244)

SYN rule against perpetuities
VOIR perpetuity (2°)

possessory estate (2°) — **domaine en possession**

CONT Possessory estates are to be distinguished from future interests in land. A possessory estate entitles the owner to the immediate enjoyment of the estate.
(Cartwright, 1972, p. 329)

SYN estate in possession
ANT (non-possessory estate)
DIST future estate
expectant estate
executory estate
remainder estate
reversionary estate
possessory interest
VOIR estate (1°)

possibility (1°) **possibilité**

CONT What, for the sake of convenience, is ... termed a quasi interest, is a ... possibility of gaining the property or ownership of the land, which, though not constituting the object of a limitation, is yet founded in an actual provision, or on a lost but recoverable seisin.
(Fearne, 10th ed. 1844, p. 22)
CONT [A]lthough a contingent remainderman acquires no estate, he is considered to hold an interest, a future interest, in land. At common law, a contingent remainder was regarded merely as a possibility, albeit a possibility coupled with an interest. The possibility is that, if the contingency occurs, the contingent remainderman will thereupon become entitled to an estate in land; that is, to a present vested interest.
(Mendes da Costa & Balfour, 1982, p. 740)
NOTE Acception large.

DIST expectancy
contingency
future interest
future right
future estate
executory interest

possibility (2°) **possibilité**

DEF [I]n its more specific sense it is that kind of contingent benefit which is neither the object of a limitation, like an executory interest, nor is founded on any loss or recoverable seisin, like a writ of entry. (Words and Phrases/U.S., Vol. 33, p. 114)
DEF A mere or bare possibility.
(Ballentine's, 3rd ed. 1969, p. 965)
NOTE Acception restreinte.

DIST contingency
executory interest
future interest
future right
future estate
possibility coupled with an interest
VOIR (bare possibility)
mere possibility
naked possibility
expectancy (1°)

possibility coupled with an interest — **possibilité assortie d'intérêt**

DEF An expectation recognized in law as an estate or interest, such as occurs in executory devises and shifting or springing uses.
(Black's, 5th ed. 1979, p. 1049)
CONT At common law, a contingent remainder was regarded merely as a possibility, albeit a possibility coupled with an interest. The possibility is that, if the contingency occurs, the contingent remainderman will thereupon become entitled to an estate in land; that is, to a present vested interest.
(Mendes da Costa & Balfour, 1982, p. 740)
EX A contingent, an executory, and a future interest, and a possibility coupled with an interest in land, whether the object of the gift or limitation of such interest or possibility is not ascertained, also a right of entry, whether immediate or future, and whether vested or contingent, into or upon land, may be disposed of by deed....
(R.S.O. 1980, c.90, s.10)

DIST (bare possibility)
mere possibility
naked possibility
possibility (2°)
VOIR possibility (1°)

possibility on a possibility **possibilité sur possibilité**

CONT "Possibility on a possibility" seems due to Lord Coke's unfortunate predilection for scholastic logic, and may possibly be a pedantic and inaccurate reason for avoiding remoteness ... but one example remained in the vigorous and "important rule that, if land was limited to one unborn person during his life, a remainder could not be limited so as to confer an estate by purchase on that person's issue".
(Stroud's, 4th ed. 1971, p. 1979)

SYN possibility upon a possibility
DIST remote possibility
VOIR possibility
double possibility

possibility upon a possibility **possibilité sur possibilité**

EX Stated in its simplest form, the rule was as follows: If an interest in realty is given to an unborn person, any remainder to his issue is void, together with all subsequent limitations.... The rule is sometimes referred to as "the rule against double possibilities" or "the rule that a possibility upon a possibility is void," but these descriptions are unsuitable.
(Megarry & Wade, 4th ed. 1975, p. 201)

SYN possibility on a possibility
DIST remote possibility
VOIR possibility
double possibility

preceding estate **domaine précédent**

CONT If a use is limited as a remainder, it must take effect as and be supported by a preceding estate of freehold.
(Anger & Honsberger, 2nd ed. 1985, p. 420)
CONT Since a freehold cannot, at common law, be limited to commence in the future and a remainder must vest not later than the end of the preceding estate, there cannot, at common law, be desultory limitations, that is, limitations creating estates to arise at intervals, not continuously, but with gaps between them.
(Anger & Honsberger, supra, p. 395)
NOTE [Preceding:] immediately anterior.
(Oxford, 1933)

DIST preceding interest
prior interest
VOIR particular estate
estate (1°)

preceding interest **intérêt précédent**

CONT The term "vested" has two possible meanings, namely, "vested in possession" and "vested in interest". The latter is the commonly understood meaning in relation to future interests.... A vested interest in this sense is either an interest that is presently being enjoyed by the owner ... or one that is presently ready to fall into possession upon the natural determination of all preceding interests.
(Anger & Honsberger, 2nd ed. 1985, p. 349)

DIST preceding estate
VOIR prior interest
interest (1°)

premium **prime**

CONT "Premium" includes (1) any fine or other like sum, (2) any other pecuniary consideration in addition to rent, and (3) any sum paid by way of a deposit, other than one which does not exceed one-sixth of the annual rent and is reasonable in relation to the potential liability in respect of which it is paid. "Premium" has been judicially defined as a cash payment made to the lessor, and representing, or supposed to represent, the capital value of the difference between the actual rent and the best rent that might otherwise be obtained.
(Halsbury, 4th ed., Vol. 27, p. 609)

DIST fine (1°)
foregift
fore-hand rent
rack rent
rent (n.) (1°)
rental (2°)

present enjoyment **jouissance actuelle**

DEF The immediate or present possession and use of an estate or property, as distinguished from such as is postponed to a future time.
(Black's, 5th ed. 1979, p. 1065)
CONT The fact that a future interest is a presently existing interest implies that it confers present, as well as future, rights and obligations. Thus, if G grants "to A for life, remainder to B in fee simple", B's interest is future in that his present enjoyment of the estate granted to him is postponed.
(Anger & Honsberger, 2nd ed. 1985, p. 335)

DIST (future enjoyment)
(present possession)
present interest
present right
VOIR enjoyment

present estate **domaine actuel**

DEF An estate which is presently vested.
(Ballentine's, 3rd ed. 1969, p. 982)
CONT A remainder is a future interest. The term "future interest", however, is confusing. For a remainder was a present existing legal estate.... The only element of futurity in a vested remainder is that the owner is only entitled in the future to possession.
(Cheshire, 13th ed. 1982, p. 284)
CONT [A] remainder limited to take effect automatically upon the expiration of the prior particular estate is a vested remainder because a present estate is conferred although it is not to be enjoyed until that future time. The estate granted by way of remainder does not depend for its existence upon any contingency, even though the time when it will come into possession may be uncertain when the estate is created.
(Anger & Honsberger, 2nd ed. 1985, p. 395)
CONT Can it be said that a contingent remainderman is entitled to a future estate? No, this would seem to be an incorrect use of language if, as stated, it is accepted that all estates are present estates. However, although a contingent remainderman acquires no estate, he is considered to hold an interest, a future interest, in land.
(Mendes da Costa & Balfour, 1982, p. 740)

DIST future estate
future interest
executory estate
expectant estate
contingent estate
present interest (2°)
present right
VOIR estate (1°)

present interest **intérêt actuel**

DEF A present interest is an interest in land, or in a thing other than land, which includes (a) either a right to the immediate beneficial enjoyment of the affected thing; (b) or, if the affected thing is the subject matter of the trust, (i) either the right to the immediate beneficial enjoyment of the proceeds of the trust; (ii) or the right of the trustee forthwith to have the control and management of the affected thing pursuant to the provisions of the trust.
(Words and Phrases/U.S., p. 454)

CONT [A future interest] is distinguished from a present interest which is already in existence. Assume, for example, that D transfers securities to a newly created trust. Under the terms of the trust instrument, income from the securities is to be paid each year to W for her life, with the securities passing to S upon her death. W has a present interest in the trust since she is currently entitled to receive the income from the securities. S has a future interest since he must wait for W's death to benefit from the trust.
(Black's, 5th ed. 1979, p. 609)

DIST future interest
contingent interest
executory interest
expectant interest
present estate
present right

VOIR existing interest
interest

present right **droit actuel**

CONT An interest is "vested in possession" when it gives the right of present enjoyment; but of course it is not then a future interest. If it is vested in interest but not in possession ... it is a "future interest", since the right of enjoyment is postponed, yet it is also an already subsisting right in property vested in its owner: it is a present right to future enjoyment.
(Megarry & Wade, 4th ed. 1975, p. 173)
CONT [Future interest:] A person's present right to an interest in real property which will not result in possession or enjoyment until some time in the future.
(Reilly, 2nd ed. 1982, p. 189)

DIST future right
contingent right
expectant right
present estate
present interest
VOIR (right)

prior interest **intérêt antérieur**

CONT Where a gift that is prima facie contingent is followed by a gift over on death under age, the apparent contingency is usually construed as merely fixing the time of payment, that is the time when the gift will fall into possession on the determination of the prior interest.
(Anger & Honsberger, 2nd ed. 1985, p. 365)
CONT If future interests created by any instrument are avoided by the Rule against Perpetuities, the prior interests become what they would have been had the limitation of the future estates been omitted from the instrument.
(Morris & Leach, 1962, p. 168)
NOTE [Prior:] earlier, former, anterior, antecedent.
(Oxford, 1933)

DIST preceding estate
VOIR preceding interest
interest (1°)

produce of the soil **produit du sol**

EX The problem has surfaced with respect to three classes of goods: (a) produce of the soil such as crops, hay, or timber; (b) manufactured objects (fixtures) attached to the land; and (c) the land itself, in the case of, say, sales of oil, gas, minerals and the like.
(Law Reform Commission of British Columbia, Report on the Statute of Frauds, 1977, p. 10)

SYN product of the soil
DIST natural crop
industrial crop
fructus naturales
fructus industriales
emblements
growing crop
standing crop

product of the soil **produit du sol**

CONT With regard to natural products of the soil, a distinction has been drawn between fructus naturales - the natural product of the soil such as grass, timber or hay, and fructus industriales - fruits and crops produced by annual labour and cultivation. Fructus industriales were traditionally viewed as chattels, and accordingly, an agreement in relation to them was not construed as a contract concerning as interest in land.
(Law Reform Commission of British Columbia, Report on the Statute of Frauds, 1977, p. 10)

SYN produce of the soil
DIST natural crop
industrial crop
fructus naturales
fructus industriales
emblements
growing crop
standing crop

profit appendant — **profit à prendre annexe, profit annexe**

CONT A profit appendant ... is a profit annexed to land by operation of law; probably it exists only in the form of a common of pasture. If before the Statute Quia Emptores, 1290, the lord of a manor subinfeudated arable land to a freeholder, the freeholder obtained as appendant to the arable land, the right to pasture, on the waste land of the manor, animals to plough and manure the land granted to him; for "he must have some place to keep such cattle in whilst the corn is growing on his own arable land".... (Megarry & Wade, 4th ed. 1975, p. 823)
NOTE Voir la NOTE sous "profit (2°)".

SYN appendant right
profit à prendre appendant
appendant profit à prendre
DIST profit appurtenant
profit in gross
right appendant
VOIR profit (2°)
appendant (adj.)

profit appurtenant — **profit à prendre dépendant, profit dépendant**

CONT A profit appurtenant ... is a profit, whether several or in common, which by act of parties, actual or presumed, is annexed to some nearby dominant tenement and runs with it. In general there must be compliance with the four conditions necessary for the existence of an easement, which is always appurtenant. Thus a profit of piscary appurtenant cannot be exploited for commercial purposes; the number of fish taken must be limited to the needs of the dominant tenement.
(Megarry & Wade, 4th ed. 1975, p. 823)

SYN profit à prendre appurtenant
DIST profit appendant
profit in gross
right appurtenant
VOIR profit (2°)
appurtenant (adj.)

profit à prendre appendant **profit à prendre annexe**

CONT A profit à prendre appendant is a right which arose at common law upon the grant of arable land prior to the Statute of Quia Emptores. Before the passing of this statute, when a lord of the manor enfeoffed a person of some parcels of arable land the feoffee thereby became entitled to certain ancillary rights with respect to other land in the manor; after the statute was passed these rights no longer arose upon a grant of the land. Consequently all profits à prendre appendant must have come into existence prior to 1290. Profits à prendre appendant are therefore said to be "of common right".
(Halsbury, 4th ed., Vol. 14, p. 118)
NOTE A right that arose at common law upon the grant of arable land prior to the Statute Quia Emptores is a profit à prendre appendant. It has no application to Canadian law as all profits à prendre appendant must have come into existence prior to 1290.
(Anger & Honsberger, 2nd ed. 1985, p. 974)

SYN appendant profit à prendre
profit appendant
appendant profit
DIST profit à prendre appurtenant
profit à prendre in gross
right appendant
VOIR profit à prendre
appendant (adj.)

profit à prendre appurtenant **profit à prendre dépendant**

CONT Profits à prendre appurtenant are "against common right": they are rights attached to the ownership of a particular piece of land, not as the necessary consequence of the original tenure, but because of a grant, prescription or other extraneous means. They cannot be severed or enjoyed apart from the dominant tenement, and they pass with the dominant tenement into the hands of each successive owner.
(Halsbury, 4th ed., Vol. 14, p. 119)
CONT A right annexed to the ownership of a particular piece of land by grant or prescription is a profit à prendre appurtenant. An appurtenant right must relate to the needs or use of the dominant tenement. An exclusive unlimited right, however, is unknown to the law whether the right is claimed by express grant or prescription.
(Anger & Honsberger, 2nd ed. 1985, p. 975)

SYN profit appurtenant
DIST profit à prendre appendant
profit à prendre in gross
right appurtenant
VOIR profit à prendre
appurtenant (adj.)

profit à prendre in gross — **profit à prendre indépendant**

CONT Profits à prendre in gross. Where a profit à prendre exists as a right in gross it may be assigned and dealt with as a valuable interest, according to the ordinary rules of property. In default of any disposition inter vivos or by will a profit à prendre in gross descends as an ordinary incorporeal hereditament.
(Halsbury, 4th ed., Vol. 14, p. 119)

SYN profit in gross
DIST profit à prendre appendant
profit à prendre appurtenant
right in gross
VOIR profit à prendre

profit in gross — **profit à prendre indépendant, profit indépendant**

CONT A profit in gross ... is a profit, whether several or in common, exercisable by the owner independently of his ownership of land; there is no dominant tenement.... A profit in gross is an interest in land which will pass under a will or intestacy or can be sold or dealt with in any of the usual ways, being an incorporeal hereditament.
(Megarry & Wade, 4th ed. 1975, p. 824)
NOTE Voir la NOTE sous "profit (2°)".

SYN profit à prendre in gross
DIST profit appendant
profit appurtenant
VOIR profit (2°)

progressive rent **loyer progressif**

CONT "A rent that is made to rise by amounts; and at times specified in the lease is called a "progressive rent".
(Yates & Hawkins, 1981, p. 126)

DIST sliding scale rent
percentage rent
variable rent
VOIR rent (n.) (1°)

property (2°) **propriété**

DEF [T]he highest right a man can have to anything, being that right which one has to lands or tenements, goods or chattels which does not depend on another's courtesy.... Property in realty is acquired by entry, conveyance, or devise; and in personalty, by many ways, but most usually by gift, bequest, or sale.... "Property" also signifies a beneficial right in or to a thing.
(Jowitt's, 2nd ed. 1977, pp. 1447-8)
CONT "Property" is a word of different meanings ... it may mean ownership itself as when I speak of my "property" in my watch which may pass to the person to whom I sell the watch before I actually hand the watch over ... or it may even mean an interest in a thing less than ownership but nevertheless conferring certain rights, as when we speak of the "property" or "special property" of a bailee in the thing bailed.
(Crossley Vaines, 5th ed. 1973, p. 3)
CONT The term "property" is used in a wide variety of meanings. It may refer to a person's physical assets, to his real property, or to the totality of his wealth which consists of physical objects and various incorporeal rights which he is entitled to exercise.... It may also refer to the legal relations between persons and such objects and rights.
(Anger & Honsberger, 2nd ed. 1985, pp. 5-6)

DIST ownership
title (2°)
interest
(right)
possession
VOIR property right (2°)
right of property (2°)
property interest

property interest **intérêt de propriété**

CONT Restrictive covenants, although called covenants, are not just personal agreements binding in contract. They are fully fledged property interests the burden and benefit of which can run with the land.... Equity, which gave recognition to restrictive covenants as property interests, refused the same recognition to positive covenants.
(Harwood, 1975, pp. 362-3)
CONT In certain circumstances it may be said that a person who is in possession of land has a property interest in it.
(Anger & Honsberger, 2nd ed. 1985, p. 7)

DIST property right (1°) & (2°)
property interest (2°)
possessory interest
property (2°)
title (2°)
VOIR proprietary interest (1°)
property (1°)
interest (1°)

property right (1°) **droit de propriété**

DEF A generic term which refers to any type of rights to specific property....
(Black's, 5th ed. 1979, p. 1096)
CONT [P]roperty rights may be classified generally according to the nature of the objects concerning which the rights are claimed.
(Brown, 3rd ed. 1975, p. 9)
CONT A leaseholder today with, say, a 21-year lease has a property right which he can, with certain limitations, dispose of as he pleases.
(Harwood, 1975, p. 10)
NOTE Acception ayant une compréhension générique ou distributive.

DIST property interest
property (2°)
right of property (2°)
proprietary right (1°)
possessory right
title (2°)
VOIR right of property (1°)
proprietary right (2°)
(right)

property right (2°) **droit de propriété**

CONT It is, therefore, the content of the property right, namely, the several rights, privileges, powers and immunities which comprise it, that is of significance in law and not the physical thing or right itself ... They are: (1) the power to exploit the object or right, (2) the power to alienate it and (3) the power to pledge it for credit. This simple generic list can be broken down further to give a list of specific powers, rights, privileges and immunities with respect to property. Property, therefore, is not just a single right, but a bundle of rights or powers. Moreover, the property right may be fragmented into various interests, some of which are independent of each other, while others are derivative. But they exist side by side. Thus, for example, the property right may be split into successive interests.... (Anger & Honsberger, 2nd ed. 1985, p. 6)
NOTE Acception spécifique.

SYN right of property (2°)
DIST right of property (1°)
property interest
proprietary right (1°) & (2°)
possessory right
VOIR property (2°)
title (2°)
(right)

proprietary (n.) **titulaire, propriétaire**

DEF One who has "propriety" or property in something, or to whom something belongs as property; an owner.
(Oxford, 1933)
NOTE [Proprietor:] Anomalously formed and substituted in 17th c. for the etymological word PROPRIETARY.
(Oxford, 1933)

SYN proprietor (1°)
DIST possessor
(holder)
tenant
beneficiary
VOIR property (2°)
owner

proprietary action **action propriétale**

CONT Proprietary and possessory actions. This essentially possessory character of title to land is a product of historical evolution and, in particular, of the old forms of action. For some time after the middle of the twelfth century there were (at least in name) both proprietary and possessory actions, the former asserting title and the latter asserting possessory rights.
(Megarry & Wade, 4th ed. 1975, pp. 1004-5)

DIST possessory action
real action
(action in rem)
VOIR proprietary right (2°)
proprietary interest (2°)
property (2°)
title (2°) & (3°)

proprietary interest (1°) **intérêt propriétal**

CONT In early times, when leaseholds were regarded as mere contractual rights to occupy land, they were hardly estates at all. But in time, when the law came to give them full protection as proprietary interests, they were added to the list of recognized legal estates.
(Megarry & Wade, 4th ed. 1975, p. 45)

DIST proprietary right
personal interest
VOIR property interest
interest (1°)

proprietary interest (2°) **intérêt propriétal**

DEF Interest as an owner.... Any right in relation to a chattel that enables one to retain its possession indefinitely or for a period of time.
(Canadian Law Dictionary, 1983, p. 112)
CONT [I]t was held in Jarvis v. Williams that the plaintiff failed because "there was in him no proprietary interest in the goods". But it is not essential in every case that the necessary "right of property" should be ownership itself.
(Crossley Vaines, 5th ed. 1973, p. 24)

DIST possessory interest
property interest
VOIR property (2°)
interest (1°)
title (2°)

proprietary privilege **privilège propriétal**

CONT An easement is a private proprietary privilege appurtenant to a dominant tenement....
(Halsbury, 3rd ed., Vol. 12, p. 523)
NOTE [Privilege:] A particular and peculiar benefit or advantage enjoyed by a person, company, or class, beyond the common advantages of other citizens.
(Black's, 5th ed. 1979, p. 1077)

DIST proprietary right
proprietary interest
VOIR property (1°)

proprietary right (1°) **droit propriétal**

CONT [A]nother distinction is into personal and proprietary rights.... Proprietary rights are rights in or to some elements of a person's assets or estate or property, which may be valued in money and, usually, sold or gifted....
(Oxford Companion to Law, 1980, pp. 1071-2)

DIST property right (1°) & (2°)
proprietary interest
personal right
title (2°)
VOIR property (1°)
(right)

proprietary right (2°) **droit propriétal**

DEF Those rights which an owner of property has by virtue of his ownership.
(Jowitt's, 2nd ed. 1975, p. 1448; Black's, 5th ed. 1979, p. 1098)

DIST property right (2°)
possessory right
proprietary interest
VOIR property right (1°)
title (2°)
(right)

proprietor (1°) **titulaire, propriétaire**

DEF [O]ne who has the legal right or exclusive title to something whether in possession or not....
(Webster's, 1976)
DEF One who has title to property.
(Curzon, 1979, p. 272)
CONT The largest estate in land, the fee simple, has come more and more to resemble absolute ownership, and its proprietor is commonly called the owner of the land.
(Megarry & Wade, 4th ed. 1975, p. 15)

SYN proprietary (n.)
DIST possessor
(holder)
tenant
beneficiary
VOIR property (2°)
owner

USAGE propriétaire

qualified owner **propriétaire relatif**

DEF The owner of a qualified interest in a thing. (Ballentine's, 3rd ed. 1969, p. 1034)

DIST absolute owner
general owner
VOIR qualified ownership
special owner
owner

qualified ownership **propriété relative**

CONT Ownership of property is either absolute or qualified.... The ownership is qualified when it is shared with one or more persons, when the time of enjoyment is deferred or limited, or when the use is restricted. (Black's, 5th ed. 1979, p. 997)

DIST absolute ownership
general ownership
VOIR qualified property
special ownership
qualified owner
ownership

qualified property **propriété relative**

DEF Property in chattels which is not in its nature permanent, but may at some times subsist and not at other times; such for example, as the property a man may have in wild animals which he has caught and keeps, and which are his only as long as he retains possession of them. Any ownership not absolute.
(Black's, 5th ed. 1979, p. 1096)

CONT The ownership or property in a corporeal chattel may be either absolute or qualified.... [I]n relation to possession it is noteworthy that a man's property or ownership may be so "qualified" because it is such that it continues only so long as he retains possession of the subject matter. Thus wild animals may be the subject of qualified or limited property.... It has been said that air and water are also the subjects of qualified property, the property in them ceasing the instant they are out of possession.
(Halsbury, 4th ed., Vol. 35, p. 621)

DIST absolute property
general property
VOIR qualified ownership
special property
property (2°)

quasi-bailee **quasi-baillaire**

CONT The normal bailment transaction is a consensual one.... Sometimes, however, a person finds himself in possession of the goods of another without having entered into any such contractual arrangement with the owner. Such a situation arises when a finder of lost goods takes them into his possession and, as has been seen, such a finder is a quasi bailee....
(Brown, 3rd ed. 1975, p. 319)
NOTE Variante orthographique : quasi bailee.

DIST actual bailee
VOIR quasi-bailment
constructive bailee
involuntary bailee
bailee

quasi-bailment **quasi-baillement**

CONT In ... situations involving possession by one of another's goods without mutual consent but without initial wrongdoing on the possessor's part, courts have placed great importance on how the relationship is labelled or characterized. Sometimes the term used is "constructive bailment,".... Perhaps more common is "involuntary bailment,".... "Quasi-bailment" may be encountered too, most frequently in the cases involving finders of lost goods.
(Brown, 3rd ed. 1975, p. 320)

DIST actual bailment
VOIR constructive bailment
involuntary bailment
bailment

quiet enjoyment **jouissance paisible**

DEF Implied obligations of a lessor that a lessee's peaceful enjoyment of the premises shall not be interfered with by the lessor or by any person who claims under him. "Quiet" is not restricted to an absence of noise. (Curzon, 2nd ed. 1983, p. 304)

SYN peaceful enjoyment
DIST quiet possession
VOIR (covenant for quiet enjoyment)
enjoyment

quiet possession **possession paisible**

SYN peaceable possession
peaceful possession
DIST quiet enjoyment
VOIR (covenant for quiet possession)
possession

re-enter (v.) rentrer

DEF To enter again upon possession of lands or tenements.
(Oxford, 1933)
CONT An estate in fee simple may be granted upon condition, and, if the event contemplated by the condition happens, the grantor may re-enter and determine the estate, either by virtue of the condition merely, if it is suitably expressed, or otherwise by virtue of an express proviso for re-entry. Thus, if the land is granted in fee simple upon condition that a specified yearly rent is paid, a right of entry is implied, and the grantor may re-enter if the rent is in arrear.
(Halsbury, 4th ed., Vol. 39, p. 279)
NOTE Acception stricte en droit des biens. Voir la NOTE sous "re-entry (1°)".

DIST enter (v.)
(forfeit (v.))
dispossess (v.)
disseise (v.)
VOIR re-entry (1°)

re-entry (1°) **rentrée**

DEF The act of resuming the possession of lands or tenements in pursuance of a right which party exercising it reserved to himself when he quit his former possession. (Black's, 5th ed. 1979, p. 1151)

CONT [A] gift of land to trustees in fee simple "on condition that it shall always be used for the purposes of a hospital only" gives the grantor and his successors in title a right of re-entry if the condition is broken. If such a condition infringes the perpetuity rule the right of re-entry, being of course contingent, is void. The interest which it was intended to defeat is not invalidated; rather, it becomes an absolute interest, since the condition subsequent can defeat it only if re-entry is actually made, and the right of re-entry is void. (Megarry & Wade, 4th ed. 1975, p. 247)

NOTE Acception stricte en droit des biens qui désigne l'acte juridique que constitue la rentrée sur un bien-fonds dans le but de faire valoir un droit sur celui-ci.

DIST entry
right of re-entry
re-entry for condition broken

re-entry (2°) **droit de rentrée**

DEF The right reserved by a grantor to enter the premises on breach of a condition of the conveyance.
(Black's, 5th ed. 1979, p. 1151)
CONT "No ... re-entry ... may be reserved or given to any person, but only to the feoffor, or to the donor, or to the lessor, or to their heirs, and such re-entry could not be given to any other person".
(American Law of Property, 1952, p. 417)
NOTE Acception stricte en droit des biens qui désigne le droit d'accomplir l'acte que vise "re-entry (1°)".

SYN right of re-entry
entry (3°)
(title of entry)
DIST entry (1°) & (2°)
reversion
remainder
possibility of reverter
VOIR re-entry for condition broken

re-entry for condition broken **droit de rentrée pour non-respect de condition**

DEF The interest which remains in the grantor or his successors, or the successors of a testator, where an estate on condition subsequent has been created.
(Ballentine's, 3rd ed. 1969, p. 1074)

SYN right of re-entry for condition broken
DIST re-entry
VOIR right of re-entry
estate upon condition subsequent

relicted land relais

CONT "Relicted land" is land uncovered as a body of water gradually recedes....
(Words and Phrases/U.S. - Cumulative Annual Pocket Part 1987, p. 122)

SYN dereliction (3°)
reliction (2°)
derelict land
DIST accretion (4°)
alluvion (2°)
alluvium
accreted land
VOIR accretion (3°)

reliction (1°) relais

DEF The withdrawal of waters exposing as land that which was previously under water. The recession of waters from an existing bed. An addition to land caused by the permanent withdrawal of the water by which it was previously covered.
(Ballentine's, 3rd ed. 1969, p. 1085)

SYN dereliction (2°)
DIST accretion (2°)
alluvion (1°)
VOIR accretion (1°)

reliction (2°) **relais**

CONT Technically speaking, land uncovered by a gradual subsidence of water is not an "accretion", but a "reliction", but the terms are often used interchangeably, and law relating to accretions applies in all its features to relictions.
(Words and Phrases/U.S., p. 454)

SYN dereliction (3°)
relicted land
derelict land
DIST accretion (4°)
alluvion (2°)
alluvium
accreted land
VOIR accretion (3°)

removable fixture **accessoire fixe enlevable**

CONT It is to be stressed that, notwithstanding any agreement between the parties respecting a chattel which may determine their rights as between themselves, it is well settled that, in determining whether a chattel has become a permanent or removable fixture, the intention of the person affixing it is material only so far as it can be presumed from the degree and object of the annexation. Thus, where a gas engine was let out on a hire and purchase under an agreement in writing which provided that it would not become the property of the hirer without payment of all instalments and should be removable by the owner on failure of the hirer to pay any instalment, and the engine was affixed to freehold land by bolts and screws to prevent it from rocking and was used by the hirer for the purpose of his trade, it was held that the engine was sufficiently annexed to the land to become a fixture that any intention to be inferred from the agreement that it should remain a chattel or removable fixture did not prevent it from becoming a fixture and that it passed to a mortgagee who had taken his mortgage after the agreement without notice of the agreement and had entered into possession while the engine was left on the land.
(Anger & Honsberger, 2nd ed. 1985, p. 1017)

ANT irremovable fixture
non removable fixture
DIST permanent fixture
accessory
appendant (n.)
appurtenance
VOIR fixture

removable tenant's fixture — **accessoire fixe enlevable du locataire**

CONT Petrol pumps affixed to tanks embedded in the ground are removable tenant's fixture, but the tanks themselves are irremovable fixtures....
(Halsbury, 4th ed., Vol. 27, p. 117)

DIST removable trade fixture
VOIR removable fixture
tenant's fixture

removable trade fixture — **accessoire fixe d'exploitation enlevable**

CONT [A]lthough a tenant can certainly remove machinery installed for the purpose of his trade, it has been held that he cannot remove steam boilers, pipes and radiators, the purpose of which is the general one of heating the premises; or a balcony which became an integral part of a store building. But, even a permanent improvement of the inheritance would redound to the satisfaction and benefit of the tenant for the time being. It would seem, therefore, that whether a permanent non removable annexation, or a temporary removable trade fixture was created, is a matter of the intent of the particular parties.
(Brown, 3rd ed. 1975, p. 546)

DIST removable tenant's fixture
VOIR trade fixture
removable fixture

rent in gross — **loyer indépendant**

CONT If the rent is severed from the reversion (as where either is assigned without the other) it becomes a rent in gross.
(Jowitt's, 2nd ed. 1977, p. 1544)

VOIR rent (n.) (1°)

rent of assize (HIST) **rente d'assise**

NOTE Source française : Blackstone, traduction de N.M. Chompré.

restricted entail (1°) **taille restrictive**

VOIR entail (1°)
DIST special entail (1°)
general entail (2°)

restricted entail (2°) **fief taillé restreint**

CONT Restricted entails. By the addition of suitable words an entail could be further restricted so that it descended only to a particular class of descendants. (Megarry & Wade, 4th ed. 1975, p. 58)

DIST special entail (2°)
general entail (2°)
VOIR entail (2°)

restricted ownership **propriété restreinte**

CONT Restricted ownership occurs where either concurrent or successive rights of user are vested in persons other than the owner; thus land may be subject to easements or rights of common, or the right of user possessed by the owner for the time being may be restricted by the fact that he has only a limited interest in it, as in the case of a joint tenant, tenant for life, or lessee.
(Jowitt's, 2nd ed. 1977, p. 1301)
CONT Restricted ownership is ownership limited to some extent: as, for example, where there are several joint owners, or a life tenancy, or where the property is charged with the payment of a sum of money, or subject to an easement.
(Osborn's, 6th ed. 1976, p. 243)
NOTE Terme de soutien ayant une compréhension large.

DIST limited ownership
special ownership
qualified ownership
general ownership
absolute ownership
VOIR ownership

reversion for life **réversion viagère**

CONT A reversion may be created by the owner of any estate, and the reversionary interest will be the same estate that the transferor held.... [W]here a life tenant grants an estate for years, he will have a reversion for life, and this is so even though the lease be for a long term, such as 999 years, for in the eyes of the law a lease is a lesser estate than a freehold.
(Anger & Honsberger, 2nd ed. 1985, p. 376)

DIST lease for life
reversion in fee
reversion in fee simple
VOIR reversion (2°)
estate for life

right appendant **droit annexe**

EX A right appendant must have been created before 18 Edw. 1 (Quia Emptores) (1289-90).
(Halsbury, 4th ed., Vol. 39, p. 268)

SYN appendant right
DIST right in gross
right appurtenant
appurtenant right
profit appendant
VOIR (right)
appendant (adj.)

right appurtenant **droit dépendant**

SYN appurtenant right
DIST right appendant
appendant right
right in gross
profit appurtenant
VOIR (right)
appurtenant (adj.)

right in gross **droit indépendant**

CONT [A] right in gross [is a] right that exists on its own, independent of all other rights; a right not appendant to or otherwise annexed to land.
(Yogis, Canadian Law Dictionary, 1983, p. 190)

DIST right appendant
appendant right
right appurtenant
appurtenant right
profit in gross
VOIR (right)

right in land **droit foncier ***

[* Terme non normalisé.]

CONT The definition of "real property" [in the Wills Act of Nova Scotia] includes any estate, right or interest in messuages, lands, rents and hereditaments, which include an estate pur autre vie.
(Anger & Honsberger, 2nd ed. 1985, p. 157)

DIST estate in land
interest in land
easement
hereditament
VOIR (right)

right of accession **droit d'accession**

CONT The right of accession gives the property in the whole to the owner of the principal chattel, which is probably that which is the greater in value, and the degree of annexation sufficient to constitute an accession may be decided in the light of various tests....
(Crossley Vaines, 5th ed. 1973, p. 432)

DIST right of accretion
right of accruer
VOIR accession (1°)

right of accretion **droit d'accroissement**

CONT The right of accretion is, as mentioned, one of the riparian rights naturally incident to land bordering on water. On a conveyance of the land, therefore, it passes to the grantor without specific mention even though it took place before the grant.
(La Forest, Water Law in Canada, 1973, p. 226)

DIST right of accession
right of accruer
jus accrescendi
VOIR accretion (1°)

right of entry **droit d'entrée**

DEF [T]he right of taking or resuming possession of land by entering on it in a peacable manner.
(Jowitt's, 2nd ed. 1977, p. 1583; Black's, 5th ed. 1979, p. 1190)
CONT Future interests expectant on a conditional or determinable fee simple, such as a right of entry or a possibility of reverter, are neither reversions nor remainders, for they exist independently of any estate in their owners.
(Megarry & Wade, 4th ed. 1975, p. 179)
CONT A contingent remainder could be supported by a right of entry but not by a mere right of action. These were technically distinguished.... If a tenant for life was disseised (i.e., dispossessed) by an interloper who held the land peaceably for five years and then, on his death, the land devolved on his heir, the tenant for life's right of entry against the interloper was converted into a mere right of action against his heir.
(Megarrry & Wade, supra, pp. 192-3)
NOTE Terme générique qui peut viser les mere right of entry, right of re-entry, right of entry for condition broken, etc.
NOTE Acception stricte en droit des biens. Voir la NOTE sous "entry (2°)".

DIST entry (1°) & (3°)
reversion
remainder
possibility of reverter
(right of action)
VOIR entry (2°)

right of entry for condition broken — **droit d'entrée pour non-respect de condition**

DEF A right of entry for condition broken is the interest that remains in the grantor, or in the heirs of the testator, who has conveyed or devised an estate upon condition subsequent.... The right of entry does not return the estate automatically to the grantor or his heirs, but is an election to forfeit the estate that has been granted, which is exercisable either by an actual entry or by an action for possession.
(Anger & Honsberger, 2nd ed. 1985, pp. 386-7)
CONT A right of entry for condition broken is a contingent interest in that the forfeiture may or may not occur as the grantor or his heirs choose.
(Anger & Honsberger, supra, p. 387)

DIST right of entry
(original right of entry)
mere right of entry
VOIR right of re-entry for condition broken
estate upon condition subsequent

right of ownership **droit de propriété**

CONT Ownership may exist without possession and even in the absence of a right to possess, but title to personal property is often determined by means of the action of conversion, or, in former times, trover, and the action is not available to an owner who has no right of possession. This limitation upon the power of an owner effectively to establish his right of ownership is illustrated by the old case of Gordon v. Harper....
(Crossley Vaines, 5th ed. 1973, p. 46)
CONT Property in the sense of right of ownership may exist in respect of both corporeal things ... and incorporeal objects....
(Oxford Companion to Law, 1980, p. 1007)

DIST right of property (1°)
right of possession
VOIR right of property (2°)
ownership
(right)

right of property (1°) **droit de propriété**

CONT The kinds of rights which a right of property confers over the objects of that right vary according to the nature of the object....
(Oxford Companion to Law, 1980, p. 1008)
CONT [C]hose in action is a known legal expression used to describe all personal rights of property which can only be claimed or enforced by action and not by taking physical possession.
(Crossley Vaines, 3rd ed. 1975, p. 263)

SYN property right (1°)
DIST right of ownership
property right (2°)
property interest
property (2°)
proprietary right (1°)
right of possession
VOIR proprietary right (2°)
(right)

right of property (2°) **droit de propriété**

DEF A right of property is the fullest right which may exist in and over any subject, including the rights to possess, use, lend, alienate, use up, consume, and otherwise deal with it.
(Oxford Companion to Law, 1980, p. 1007)
CONT The right of property is best conceived not as a single right but as a bundle of distinct rights, some or even many of which may be relinquished temporarily without loss of ownership. The kinds of rights which a right of property confers over the objects of that right vary according to the nature of the object, but they normally include the rights to possess, use, use up, abuse, lend, let on hire, grant as security, gift, sell and bequeath the object.
(Oxford Companion to Law, supra, p. 1008)
NOTE Acception spécifique.

SYN property right (2°)
DIST property right (1°)
property interest
proprietary right (1°) & (2°)
right of possession
VOIR property (2°)
title (2°)
(right)

right of re-entry droit de rentrée

CONT [The] right of re-entry [is] the future interest left in the transferor of property who transfers an estate on condition subsequent. If the condition is broken, the transferor has the right and the power to terminate the estate.
(Reilly, 2nd ed. 1982, p. 418)
CONT A right of entry by the exercise of which an existing estate is defeated is a right attached to a reversion.... It is also sometimes called a right of re-entry. The commonest instance of this kind of right occurs in an ordinary lease, in which it is usual to reserve to the lessor the right of determining the lease by re-entry if the lessee fails to pay the rent or perform the covenants.
(Jowitt's, 2nd ed. 1977, pp. 1583-4)
NOTE Acception stricte en droit des biens. Voir la NOTE sous "re-entry (2°)".

SYN re-entry (2°)
entry (3°)
(title of entry)
DIST right of entry
re-entry (1°)
reversion
remainder
possibility of reverter
VOIR right of re-entry for condition broken

right of re-entry for condition broken — **droit de rentrée pour non-respect de condition**

CONT On the grant of a fee simple a condition may be attached, on breach of which the estate given to the grantee may be cut short.... The grantor is said to have a "right of re-entry for condition broken", and this right of re-entry becomes exercisable on the occurrence of the breach of condition.
(Mendes da Costa & Balfour, 1982, pp. 667-8)
CONT A right of entry (or re-entry) for condition broken is the interest left in the grantor who conveys, or in the heirs of the testator who devises, an estate upon condition subsequent.
(Anger & Honsberger, 2nd ed. 1985, p. 496)

DIST right of re-entry
VOIR right of entry for condition broken
estate upon condition subsequent

right of user — **droit d'usage**

CONT The natural right of a riparian owner, that is, the owner of land intersected or bounded by a natural stream, may be shortly defined as threefold: First, he has a right of user. He can use the water for certain purposes connected with his riparian land. Secondly, he has a right of flow. He is entitled to have the water come to him and go from him without obstruction. Thirdly, he has a right of purity. He is entitled to have the water come to him unpolluted.
(Gale on Easements, 14th ed. 1972, p. 199)

VOIR user

right of way in gross — **droit de passage indépendant**

EX In the late eighteenth century a right of way in gross was upheld in Senhouse v. Christian where the grantee's grandson successfully defended the right against the grantor's son....
((1980) 96 Law Quarterly Review, p. 560)

SYN way in gross
VOIR right of way (1°)
easement in gross

right to emblements — **droit aux emblavures**

VOIR emblements
doctrine of emblements
(right)

riparian proprietor — **propriétaire riverain**

DEF An owner of land which is bounded or traversed by a natural stream. In loose usage, inclusive of an owner of land on the shores of the sea or of a lake.
(Ballentine's, 3rd ed. 1969, p. 1121)
CONT Private waters passing through or between the lands of different proprietors may be subject to two kinds of rights, natural and acquired. Natural or proprietary rights are those possessed by every riparian proprietor, and consist principally in the right to have the water flow in its accustomed manner without sensible disturbance or diminution by the superior and inferior riparian proprietor....
(Jowitt's, 2nd ed. 1977, p. 1886)

VOIR riparian owner
riparian land
riparian right
proprietor

rule against perpetuities — règle d'interdiction de perpétuités

DEF The rule which prohibits the creation of future interests or estates which by possibility may not become vested within a life or lives in being at the time of the testator's death or the effective date of the instrument creating the future interest, and twenty-one years thereafter, together with the period of gestation when the inclusion of the latter is necessary to cover cases of posthumous birth.
(Ballentine's, 3rd ed. 1969, p. 1127)
CONT [T]he rule against perpetuities, sometimes called the modern rule against perpetuities, might more appropriately be called the rule against remoteness of vesting since it strikes down interests which vest too remotely.
(Anger & Honsberger, 2nd ed. 1985, p. 444)
CONT [T]he modern rule against perpetuities was rendered necessary in order that future interests arising under the Statute of Uses and the Statute of Wills, which were indestructible under the common law remainder rules and the rules against unbarrable entails, might be controlled. The control was exercised by requiring that such interests must vest within a specified time.... The rule against perpetuities did not, of course, prohibit the creation of limited interests, but did have the effect of reducing the consequences of such interests by requiring that they must become vested within a life in being plus twenty-one years from the creation of the interest.
(Anger & Honsberger, supra, p. 443)

SYN perpetuity rule
DIST (rule against indefinite duration)
(rule against accumulation)
(rule against inalienability)
(rule against double possibilities)
(old rule against perpetuities)
VOIR (modern rule against perpetuities)
perpetuity (2°)

scintilla juris

parcelle de droit,
scintilla juris

DEF [A] spark (or remnant) of title.
(Megarry & Wade, 4th ed. 1975, p. cxvi)
DEF [A] spark or fragment of right.
(Jowitt's, 2nd ed. 1977, p. 1613)
CONT By this figurative expression was denoted the small particle of interest, which, by a fiction of law, was supposed to remain in a feoffee to uses, sufficient to support contingent uses afterwards coming into existence, and thereby enable the statute of uses to execute them.
(Black's, 5th ed. 1979, p. 1207)

DIST precarious title

secondary easement **servitude accessoire**

CONT In some cases an easement is accompanied by certain rights which are necessary for its enjoyment, in which case it is called the principal easement, and the accompanying rights are called secondary easements; thus a right of watercourse includes the secondary easement of going on the servient tenement to clean and repair the channel.
(Jowitt's, 2nd ed. 1977, p. 677)
CONT Technically to be distinguished from an ancillary easement which latter is the right to go on another's land to carry off a profit a prendre. In order that the owner of an easement may perform the duty of keeping it in repair, he has the right to enter the servient estate at all reasonable hours to effect the necessary repairs and maintenance, or even to make original constructions necessary for enjoyment of the easement. Such right is an incident of the easement, and is sometimes called a "secondary easement".
(Cartwright, 1972, p. 844)

DIST primary easement
principal easement
ancillary easement
necessary easement
easement by necessity
VOIR ancillary right
easement

security of tenure **droit au maintien dans les lieux**

CONT Security of tenure. [S]tatutory control of rent is in itself of little value to a tenant unless the legislation also provides security of tenure. The legislature, however, in granting such security, has not completely removed a landlord's right to recover possession. There are various grounds, such as specific kinds of misconduct by the tenant, on which even a statutory tenancy may be terminated.
(MacMillan, Law of Leases, p. 234)

servient proprietor — **propriétaire de fonds servant**

VOIR servient tenement
servient land
servient estate
servient owner
proprietor
DIST dominant proprietor

sliding scale rent — **loyer à échelle mobile**

CONT A sliding scale rent is one that provides for the division of profit and loss between landlord and tenant by a rent that rises and falls with the price of the produce of the property let.... Rents may be made to rise or fall with the cost of living ... or the tenant's trade, such as his turnover, his net profits or gross profits.
(Yates, 1981, p. 126)

VOIR percentage lease
variable rent
percentage rent
rent (n.) (1°)

sole possession — **possession unique**

NOTE Voir la NOTE sous "sole estate".

DIST joint possession
(concurrent possession)
VOIR (exclusive possession)
possession

sole right **droit unique**

NOTE Voir la note sous "sole estate".

DIST joint right
several right
common right
concurrent right
sole estate
sole interest
VOIR (exclusive right)
(right)

special owner **propriétaire spécial**

DEF One who has a special interest in an article of property, amounting to a qualified ownership of it, such, for example, as a bailee's lien; as distinguished from the general owner, who has the primary or residuary title to the same thing. Some person holding property with the consent of, and as representative of, the actual owner. (Black's, 5th ed. 1979, p. 996)

DIST general owner
VOIR special ownership
qualified owner
owner

special ownership **propriété spéciale**

CONT The bailee has the right to possession, and the rights annexed to possession. He is therefore said to have a special ... ownership in the goods, as contrasted with the general ... ownership of the owner. (Osborn's, 6th ed. 1976, p. 272)

DIST general ownership
VOIR special owner
special property
qualified ownership
ownership

special property **propriété spéciale**

DEF Property of a qualified, temporary or limited nature.... Such is the property of a bailee in the article bailed, of a sheriff in goods temporarily in his hands under a levy, of the finder of lost goods while looking for the owner, of a person in wild animals which he has caught.
(Black's, 5th ed. 1979, p. 1096)
DEF An interest in property other than full ownership, such as that of a bailee in possession, a lienor, a mortgagee, etc.
(Ballentine's, 3rd ed. 1969, p. 1201)
CONT "Special property" ... may mean that the subject-matter is incapable of being in the absolute ownership of any person. Thus a man may have a property in deer in a park, hares or rabbits in a warren, fish in a pond, etc.; but it is only a special or qualified property, for if at any time they regain their natural liberty his property instantly ceases, unless they have animus revertendi. [A] person may have a special property in a thing in the sense that he can only put it to a particular use. Thus, in the case of a bailment, the bailee has a special property in the thing bailed, for he is only entitled to deal with it in accordance with the ... bailment....
(Jowitt's, 2nd ed. 1977, p. 1447)

DIST general property
VOIR special ownership
qualified property
property (2°)

specificatio **spécification**

DEF Specificatio, in the civil law, was a mode by which one person could acquire property belonging to another by making it into something different; as where a man made wine out of another's grapes; but the specificator was liable to make compensation to the original owner. Specificatio or specification is treated by Blackstone and others as a variety of accession.
(Jowitt's, 2nd ed. 1977, p. 1684)

SYN specification
DIST accessio
accession
accretion
adjunction
confusion

specification **spécification**

DEF The acquisition of title to a thing by working it into new forms or species from the raw material; corresponding to the specificatio of the Roman law. Right by "specification" can only be acquired when, without the accession of any other material that of another person, which has been used by the operator innocently, has been converted by him into something specifically different in the inherent and characteristic qualities, which identify it. Such is the conversion of corn into meal, or grapes into wine, etc.
(Black's, 5th ed. 1979, p. 1254)

SYN specificatio
DIST accessio
accession
accretion
adjunction
confusion

spes successionis — **espoir de succession**

DEF A spes successionis, or hope of succession, is a person's expectation of inheriting an estate or interest in land as heir or next of kin of the holder of the estate or interest. It is not a future interest....
(Anger & Honsberger, 2nd ed. 1985, p. 374)
CONT Spes successionis. No one could have any estate or interest, at law or in equity, in the property of a living person by reason of the fact that he hoped to succeed as heir-at-law or next of kin.... Such mere expectation, known as a "spes successionis", conferred no actual interest in the property, not even a contingent interest, or an interest in expectancy....
(Halsbury, 4th ed., Vol. 39, p. 344)

VOIR expectancy (1°)

standing crop — **récolte sur pied**

EX "Standing crops" means crops standing or growing on the demised premises.
(RSO 1980, c. 232, s. 1(d))

VOIR growing crop
industrial growing crop

stray — **bête égarée**

DEF Stray, otherwise estray, is a beast gone estray, of which the owner is not known.
(Mozley & Whiteley's, 7th ed. 1962, p. 351)

SYN estray
VOIR tame animal

successive limitation **délimitation successive**

CONT [A]lthough a grantor can create any number of successive life interests or entails (limited interests) and vest them in living persons, he can part with the fee simple (an absolute interest) only once; so that any two limitations of the fee simple are not successive but alternative....
(Megarry & Wade, 4th ed. 1975, p. 175)

DIST (alternative limitation)
limitation over
VOIR limitation (2°)

supporting estate **domaine d'appui**

CONT To preclude the artificial destruction of a contingent remainder, it became the practice to interpose between this interest and its supporting estate a trust to preserve the contingent remainder.
(Mendes da Costa & Balfour, 1982, p. 761)
NOTE [W]herever an estate of freehold was limited as a contingent remainder, some vested estate of freehold had to precede it, in other words, a contingent remainder had to have a vested particular freehold estate to support it.
(Halsbury, 3rd ed., Vol. 32, p. 315)

DIST preceding estate
VOIR particular estate

tame animal **animal apprivoisé**

EX Under the existing law ... the keeper of an animal is "strictly liable", i.e., liable without proof of negligence, for injury or damage which it causes if: (i) the animal is classified by the law as ferae naturae or "wild", or (ii) the animal, being mansuetae naturae or "tame" (i.e., not ferae naturae), has a "propensity variously described in the authorities as vicious, mischievous or fierce" which is known to the keeper. The action which a plaintiff may bring in respect of this category of strict liability is known as a scienter action.
(Law Commission Report n° 13 (England), Civil Liability for Animals, 1987, p. 6)

DIST wild animal
domestic animal
domesticated animal
animal mansuetae naturae
animal ferae naturae
animal domitae naturae

tenant for the life of another **tenant à vie d'autrui**

NOTE Voir la NOTE sous "tenant (1°)".

SYN tenant pur autre vie
VOIR estate for the life of another
tenant for life

thing appendant **chose annexe**

EX Once a thing appendant has been separated from the principal so as to be held in gross, or independently, it can never become appendant again, though it may be re-annexed to the principal so as to become appurtenant....
(Jowitt's, 2nd ed 1977, p. 119)

DIST thing appurtenant
VOIR appendant (adj.)

thing appurtenant **chose dépendante**

CONT Things appendant can be claimed only by prescription while things appurtenant can be claimed either by prescription or by express grant. The principal and the adjunct cannot, where the adjunct is a thing appendant, be both incorporeal or both corporeal ... but this rule does not always apply where the adjunct is a thing appurtenant.
(Jowitt's, 2nd ed. 1977, p. 119)

DIST thing appendant
VOIR appurtenant (adj.)

treasure trove **trésor**

DEF Literally, treasure found. Money or coin, gold, silver, plate or bullion found hidden in the earth or other private place, the owner thereof being unknown.... Called in Latin "thesaurus inventus" and in Saxon "fynderinga". Finder of treasure trove, is entitled thereto as against owner of land where such treasure is found and all the world save the true owner, in absence of statute.
(Black's, 5th ed. 1979, p. 1346)
NOTE Variante orthographique : "treasure-trove".

triple net lease **bail à loyer hypernet**

DEF A net, net, net lease, where in addition to the stipulated rent, the lessee assumes payment of all expenses associated with the operation of the property. This includes both fixed expenses, such as taxes and insurance, and all operating expenses, including costs of maintenance and repair. In some cases the triple net tenant even pays the interest payments on the lessor's mortgage on the property.
(Reilly, 2nd ed. 1982, p. 440)

SYN net, net, net lease
DIST gross lease
VOIR net lease
net, net lease
lease (1°)

unity of husband and wife — **unité de personnalité des époux**

EX This Act [the Married Women's Property Act] did not affect another special rule based upon the unity of husband and wife, namely, the rule of construction that in the absence of a contrary intention, a conveyance to a husband and wife and third parties, whether as joint tenants or tenants in common, gave the husband and wife only one actual or potential share between them.
(Megarry & Wade, 4th ed. 1975, p. 421)

SYN unity of person
unity of personality
unity of spouses
DIST unity of ownership
unity of possession
unity of time
unity of title
VOIR tenancy by the entireties

unity of ownership (2°) **unité de propriété**

CONT Effect of unity of ownership. An easement is extinguished when the dominant and the servient tenement become united in fee simple in common ownership. Although easements are sometimes said to be extinguished by merger, a more appropriate description of the cause of cesser is extinguishment by unity of ownership or extinguishment by unity of seisin. The term "extinguishment" is more appropriate, since it more especially denotes the obliteration of a collateral right or interest in the estate out of which it is derived. Extinguishment by unity of ownership of easements, whether created originally in perpetuity or for a limited period, takes place upon the dominant and servient tenements becoming united in the common ownership of the same person. When one person becomes seised of both tenements all easements over the servient tenement are thereupon extinguished. This occurs for the most part only in cases where the common owner is seised in fee simple of both tenements.
(Halsbury, 4th ed., Vol. 14, p. 61)

DIST unity of seisin
unity of possession (2°)
unity of interest
unity of title
VOIR ownership

unity of person **unité de personnalité**

CONT Unity of person. The common law requirement for the creation of a tenancy by the entirety that the co-tenants be husband and wife, based on the conception that marriage created a unity of person.
(Yogis, Canadian Law Dictionary, 1983, p. 218)
CONT At common law, when property was conveyed to a husband and wife in any estate in such a way that had they been strangers they would have taken as joint tenants, they took rather as tenants by the entireties. This was so because of the doctrine of unity of legal personality, according to which husband and wife were considered in law as one: to the four unities of time, title, interest and possession was added a fifth unity, unity of the person. This unity was so complete that neither spouse was regarded as having even a potential share in the property; both were seised together as one individual of the whole, that is, of the entirety. They were, in other words, together tenants of the entirety.
((1980) 58 C.B.R., p. 715)

SYN unity of husband and wife
unity of personality
unity of spouses
DIST unity of ownership
unity of possession
unity of time
unity of title
VOIR tenancy by the entireties

unity of personality **unité de personnalité**

DEF Formerly, the common-law doctrine that husband and wife were one person in the eyes of the law. This doctrine has now been almost entirely abolished....
(A Concise Dictionary of Law, 1986, p. 378)

SYN unity of person
unity of spouses
unity of husband and wife
DIST unity of ownership
unity of possession
unity of time
unity of title
VOIR tenancy by the entireties

unity of possession (2°) **unité de possession**

Unity of possession, where a piece of land which is subject to an easement, profit à prendre, rent, or similar right, comes into the possession of the person entitled to the easement or other right. At the present day, "unity of possession" is applied only to cases where the possession is temporary: as where the owner of land subject to an easement takes a lease of the dominant tenement, so that the easement is suspended by unity of possession during the lease; or where the owner of a rent evicts the tenant of the land out of which it issues, so that the rent is suspended by unity of possession. In the old books, "unity of possession" has a wider sense, and includes what is now more commonly called unity of seisin.
(Jowitt's, 2nd ed. 1977, p. 1832)

DIST unity of ownership
unity of seisin
unity of interest
unity of title
VOIR possession

unity of seisin **unité de saisine**

DEF [W]here a person seised of land which is subject to an easement, profit à prendre, or similar right, also becomes seised of the land to which the easement or other right is annexed. The term is usually applied to cases where the seisin is that of a tenant in fee simple, and is equally high or "perdurable" in both pieces of land, so that the easement or other right is extinguished by the unity of seisin: as where a tenant in fee simple of land subject to an easement acquires an estate in fee simple in the dominant tenement. But if one piece of land is held for a conditional or determinable interest, then there is no unity of seisin sufficient to work an extinguishment....
(Jowitt's, 2nd ed. 1977, p. 1832)
DEF The merger of one seisin into another, as where the owner of a servient tenement acquires the dominant tenement.
(Cartwright, 1972, p. 966)

DIST unity of ownership (2°)
unity of possession (2°)
unity of interest
unity of title
VOIR seisin

unity of spouses — **unité de personnalité des conjoints**

DEF The concept of the common law whereby husband and wife become by marriage one person, the entire legal existence of the wife being completely merged or incorporated in that of the husband.
(Ballentine's, 3rd ed. 1969, p. 1319)

SYN unity of person
unity of personalty
unity of husband and wife
DIST unity of ownership
unity of possession
unity of time
unity of title
VOIR tenancy by the entireties

unity of title — **unité de titre**

DEF One of the essential properties of a joint tenancy, under which the estates of the joint tenants must be created by one and the same act, whether legal or illegal; as by one and the same grant, or by one and the same disseisin.
(Ballentine's, 3rd ed. 1969, pp. 1319-20)
CONT Unity of title ... is applied to joint tenants to signify that they hold their property by one and the same title, while tenants in common may take property by different titles.
(Jowitt's, 2nd ed. 1977, p. 1832)

DIST unity of ownership
unity of possession
unity of interest
unity of seisin
VOIR title
joint tenancy (1°)

user **usage**

DEF Continued use, exercise, or enjoyment of a right, etc.; presumptive right arising from use.
(Oxford, 1933, p. 474)
CONT Prescription is established by showing that the user (the use of the property) has been exercised by the prescriptive claimant for a period of time the law requires for such use of the property to ripen into a right of user, or prescriptive right.
(Cartwright, 1972, p. 299)

SYN use
DIST possession
enjoyment
occupancy
occupation

user as of right **usage comme de droit**

CONT For a prescriptive easement to arise, the claimant must show user "as of right". This means that he has enjoyed the easement as if he were entitled to it. The enjoyment must have been without force, without secrecy and without permission. (Nec vi, nec clam, nec precario, are the expressions used in legal terminology).
(Law Reform Commission of British Columbia, Report on Limitations, 1970, p. 27)

DIST enjoyment as of right
VOIR user

vacant land condominium (1°) **condominium de terrain nu**

CONT Vacant land condominiums are designed to take advantage of the combination of individual and joint ownership interests, without the need for buildings to be constructed prior to registration. Such a development would allow purchasers to own the site on which they put their home instead of owning the home and leasing the site. (Burns & McLellan, 1981, p. 5)

SYN bare land condominium (1°)
VOIR condominium (1°)

vacant land condominium (2°) **condominium de terrain nu**

SYN bare land condominium (2°)
VOIR condominium (2°)

vacant land condominium (3°) **condominium de terrain nu**

SYN bare land condominium (3°)
VOIR condominium (3°)
vacant land unit

vacant land unit **unité de terrain nu**

CONT Vacant Land Units. In Quebec, only article 441g [of the Civil Code] appears to presume the existence of a building. In the other jurisdictions, references to "the buildings" in the provisions dealing with the contents of descriptions or plans, may imply that buildings are necessary and that units cannot be made of vacant land. Although, with the exception of Newfoundland, there is nothing in the definition of "unit" to require a building, most jurisdictions require that the description or plan contain "a specification of the boundaries of each unit by reference to the buildings" and "a certificate of a surveyor that the buildings have been constructed and that the diagrams of the units are substantially accurate and substantially in accordance with the structural plans". (Anger & Honsberger, 2nd ed. 1985, p. 1869)

SYN bare land unit
VOIR vacant land condominium (3°)
unit

vadium **vadium** *

[* Terme latin.]

CONT Bailments are of six kinds, the classification being of importance from the different nature of the bailee's liability in each case.... (4) when goods or chattels are delivered to another as a pawn, to be security to him for money borrowed of him by the bailor; this is called vadium, a pawn or pledge....
(Jowitt's, 2nd ed. 1977, p. 176)

VOIR bailment

variable rent **loyer variable**

CONT Rents are also termed "variable" where the quantum reserved is fixed by reference to a factor (usually in relation to the tenant's trade, such as his turnover, his net profits, his gross profits, etc.), which itself is likely to vary from one rental period to another. Generally speaking, such a rent may nevertheless be "certain", provided that when the rent for each period falls due, the amount is "ascertainable", i.e., calculable by reference to the profits, etc. already accrued. By their nature, variable rents are most likely to be reserved in mining leases and business tenancies; they are found too in family arrangements, or in relationships where there is an element of patronage, e.g., where the tenant could not afford to pay a full market rent, at least at the commencement of the tenancy.
(Evans, 1974, pp. 111-2)

ANT fixed rent
VOIR sliding scale rent
percentage rent
rent (n.) (1°)

vest (v.) **être dévolu**

DEF To give an immediate, fixed right of present or future enjoyment.
(Black's, 5th ed. 1979, p. 1401; Ballentine's, 3rd ed. 1969, p. 1339; Cartwright, 1972, p. 987)
DEF To pass to a person, as where the title to property comes to the heir upon the death of the owner intestate. To descend; to take effect.
(Cartwright, 1972, p. 987; Ballentine's, 3rd ed. 1969, p. 1339)
CONT When a person becomes entitled to a right, estate, etc., it is said to vest in him.
(Jowitt's, 2nd ed. 1977, p. 1857)
CONT "Vest" may denote either a vesting in interest or a vesting in possession.
(Words and Phrases/U.S., Vol. 44, p. 161)
CONT A contingent remainder is one which is limited to an unborn or unascertained person, or which is subject to a condition precedent. When the person is born or the condition is fulfilled, the remainder vests.
(Anger & Honsberger, 2nd ed. 1985, p. 338)

ANT divest (v.)
DIST devolve (v.)
descend (v.)
(attach (v.))
VOIR vesting (n.)
vested (adj.)

USAGE être dévolu
investir
conférer

vested (adj.) (1°) **dévolu**

CONT An estate is vested, when there is an immediate fixed right of present or future enjoyment.
(Fearne, 10th ed. 1844, p. 2)
CONT To be vested, a right must have become a title, legal or equitable, to the present or future enjoyment of property....
(Cartwright, 1972, p. 990)
NOTE Acception générique qui vise indifféremment les notions de vested in possession et vested in interest.

DIST contingent
expectant
executory
(executed)
(conditional)
(acquired)
vested in enjoyment
vested in possession
vested in interest
vested in right
VOIR vest (v.)

USAGE dévolu
acquis

vested (adj.) (2°) **dévolu**

CONT [T]he word "vested" in its technical legal sense means "vested in interest" and not necessarily "vested in possession".
(Feeney, 1982, Vol. 2, p. 258)
CONT [I]n a conveyance by G to "A for life and then to B in fee tail", A has a life estate in possession, B has an estate in fee tail in remainder and G retains an estate in fee simple in reversion. Moreover, these estates are said to be vested in that they are presently existing, even though the owners are not all immediately entitled to possession. Vested thus normally means "vested in interest" and not "vested in possession". All estates are perforce vested. Other interests may exist in land which are not vested, such as contingent remainders and executory interests.
(Anger & Honsberger, 2nd ed. 1985, p. 12)
NOTE Acception spécifique.

SYN vested in interest
DIST contingent
executory
expectant
(executed)
vested in possession
vested in enjoyment

vested bequest (1°) — **legs dévolu de biens personnels, legs dévolu**

EX A legacy or bequest will be held "contingent" or "vested" as time is annexed to the gift or only to the payment of it....
(Words and Phrases/U.S., Vol. 44, p. 265)
NOTE Acception spécifique.
NOTE Cas d'emploi du second équivalent : a) le terme est qualifié par l'indication de la chose ou de la catégorie léguée; b) la référence spécifique aux biens personnels ressortira de quelque autre façon sans qu'il soit nécessaire de l'exprimer; c) le terme anglais se présente dans le doublet "vested bequest(s) or (and) devise(s)" ou dans le groupe "vested bequest(s), devise(s) or (and) legacy(ies)".

SYN vested legacy (1°)
DIST contingent bequest
executory bequest
vested devise
VOIR bequest (1°)
vested (adj.)

vested bequest (2°) — **legs dévolu**

NOTE Acception large qui vise indifféremment les notions désignées par "vested bequest (1°)", "vested devise" et "vested legacy (1°) et (2°).

SYN vested legacy (3°)
DIST contingent bequest
executory bequest
vested devise
VOIR bequest (2°)
vested

vested devise — **legs dévolu de biens réels, legs dévolu**

CONT Devises are contingent or vested; that is, after the death of the testator. Contingent, when the vesting of any estate in the devisee is made to depend upon some future event.... But, when the future event is referred to merely to determine the time at which the devisee shall come into the use of the estate, this does not hinder the vesting of the estate at the death of the testator.
(Black's, 5th ed. 1979, p. 407)
CONT There arose very early in English law certain rather typical devises subject to some future condition. By the wording of the wills creating them, the devises were quite obviously contingent, yet courts soon began to show a marked tendency to call them vested. In most instances, in order to give some meaning to the condition upon which the devise was given, the courts found it necessary to construe the condition as a condition subsequent so that the devise was vested subject to divestment.
(Feeney, 1982, Vol. 2, pp. 210-211)
NOTE Cas d'emploi du second équivalent : a) le terme est qualifié par l'indication de la chose ou de la catégorie léguée; b) la référence spécifique aux biens réels ressortira de quelque autre façon sans qu'il soit nécessaire de l'exprimer; c) le terme anglais se présente dans le doublet "vested devise(s) or (and) bequest(s)" ou dans le groupe "vested devise(s), bequest(s) or (and) legacy(ies".

DIST contingent devise
executory devise
vested bequest (1°)
vested legacy (1°) & (2°)
VOIR devise (1°)
vested (adj.)

vested estate (1°) **domaine dévolu**

DEF An estate is vested, when there is an immediate fixed right of present or future enjoyment.
(Fearne, 10th ed. 1844, p. 2)
DEF An estate is "vested" when there is an immediate right of enjoyment or a present fixed right of future enjoyment.
(Words and Phrases/U.S., Vol. 44, p. 167)
NOTE Acception générique. Voir la NOTE sous "vested (adj.) (1°)".

DIST contingent estate
executory estate
expectant estate
future estate
vested interest
vested right
VOIR estate (1°)
vested (adj.) (1°)

vested estate (2°) **domaine dévolu**

CONT [I]n a conveyance by G to "A for life and then to B in fee tail", A has a life estate in possession, B has an estate in fee tail in remainder and G retains an estate in fee simple in reversion. Moreover, these estates are said to be vested in that they are presently existing, even though the owners are not all immediately entitled to possession. Vested thus normally means "vested in interest" and not "vested in possession".
(Anger & Honsberger, 2nd ed. 1985, p. 12)
CONT Where there is a present right to a future possession, though it may be defeated by some future event ... there is nevertheless a vested estate.
(Words and Phrases/U.S., Vol. 44, p. 169)
CONT A non-possessory vested estate, such as a reversion or a vested remainder, is said to be vested in interest; i.e., owned but not possessed by a definite person.
(Cartwright, 1972, p. 333)
NOTE Acception spécifique.

DIST contingent estate
executory estate
expectant estate
vested interest
vested right
VOIR estate (1°)
vested (adj.) (2°)
future estate
(vested future estate)

vested estate in remainder **domaine résiduel dévolu**

EX An estate given after a life estate to a person, his heirs and assigns forever, and in the event of his death without issue to another, is a "vested estate in remainder".
(Words and Phrases/U.S., Vol. 44, p. 171)

DIST contingent remainder
VOIR vested (adj.) (2°)
estate in remainder
vested remainder

vested gift **donation dévolue, don dévolu**

CONT A gift is vested if it is immediate, notwithstanding that its enjoyment may be postponed.
(Black's, 5th ed. 1979, p. 1401)
CONT A gift is vested if it is not subject to a condition precedent.
(Feeney, 1982, Vol. 2, p. 203)
CONT [W]here a condition can be fairly read as postponing merely the right of possession or of obtaining payment, transfer, or conveyance, so that there is an express or implied distinction between the time of vesting and time of enjoyment, the gift is held to be vested at the earlier date....
(Halsbury, 3rd ed., Vol. 39, pp. 1121-2)

DIST contingent gift
executory gift
VOIR gift (1°)
vested

vested in enjoyment **dévolu en jouissance**

VOIR vested (adj.) (1°)
in enjoyment

DIST vested in interest
vested in right
vested in possession
vested (adj.) (2°)

vested in interest **dévolu en intérêt**

DEF [T]erm applied to a present fixed right of future enjoyment, as reversions, vested remainders, executory devises, future uses, conditional limitations, and other future interests, the present right of which is not referred to, or made to depend on, a period or event which is uncertain, although the period of enjoyment may be uncertain or conditional.
(Jowitt's, 2nd ed. 1977, p. 1858)

CONT [A]n estate may be said to be vested in interest, or in possession. An estate is vested in possession when the taker of the estate has the right to immediate possession whereas an estate is vested in interest when the taker of the estate, who is ascertainable, is ready to take in possession immediately upon the determination of a prior estate. Hence all estates vested in possession are, a fortiori, vested in interest, but not all estates vested in interest are vested in possession.
(Anger & Honsberger, 2nd ed. 1985, p. 302)

CONT A future interest may be either vested or contingent, and vested interests may be either "vested in interest" or "vested in possession".... If it is vested in interest but not in possession (for which situation the term "vested" is ordinarily used by itself) it is a "future interest", since the right of enjoyment is postponed, yet it is also an already subsisting right in property vested in its owner: it is a present right to future enjoyment. By contrast with a vested interest, a contingent interest is one which will give no right at all unless or until some future event happens.
(Megarry & Wade, 4th ed. 1975, p. 173)

SYN vested (adj.) (2°)
DIST vested in possession
vested in enjoyment
contingent
vested (adj.) (1°)
VOIR in interest
vested in right

vested in possession **dévolu en possession**

CONT A future interest may be either vested or contingent, and vested interests may be either "vested in interest" or "vested in possession". An interest is "vested in possession" when it gives the right of present enjoyment; but of course it is not then a future interest.
(Megarry & Wade, 4th ed. 1975, p. 173)
CONT An estate is vested in possession, when there exists a right of present enjoyment.
(Fearne, 10th ed. 1844, p. 2)
CONT When the right is a right of present possession, and the party is in possession, whether personally or by substitute, the estate is said to be vested in possession.
(Fearne, supra, p. 27)

DIST vested in interest
vested in right
vested (adj.) (2°)
vested in enjoyment
VOIR vested (adj.) (1°)
in possession

vested in right **dévolu en droit**

CONT When it is a present right of having the possession whenever it may become vacant by the determination of a preceding chattel interest, or whenever it may become vacant by the determination of a preceding freehold estate, or at some other future time to which only the possession is postponed; in each of these cases, the estate is said to be vested in right or interest.
(Fearne, 10th ed. 1844, p. 27)

DIST vested in possession
vested in enjoyment
contingent
VOIR vested in interest
vested (adj.) (2°)

vested interest (1°) **intérêt dévolu**

DEF A "vested interest" is one in which there is a present fixed right either of present enjoyment or of future enjoyment.
(Words and Phrases/U.S., Vol. 44, p. 174)
NOTE Acception générique. Voir la NOTE sous "vested (adj.) (1°)".

DIST contingent interest
executory interest
future interest
expectant interest
expectancy
possibility
vested estate
vested right
VOIR interest
vested (adj.) (1°)

USAGE droit dévolu
droit acquis

vested interest (2°) **intérêt dévolu**

DEF A future interest not dependent on an uncertain period or event, or a fixed present right of future enjoyment. When a person has a right to immediate possession on determination of preceding or particular estate.
(Black's, 5th ed. 1979, p. 1402)
CONT A future interest may be either vested or contingent, and vested interests may be either "vested in interest" or "vested in possession".... If it is vested in interest but not in possession (for which situation the term "vested" is ordinarily used by itself) it is a "future interest", since the right of enjoyment is postponed, yet it is also an already subsisting right in property vested in its owner; it is a present right to future enjoyment. By contrast with a vested interest, a contingent interest is one which will give no right at all unless or until some future event happens.
(Megarry & Wade, 4th ed. 1975, p. 173)
NOTE Acception spécifique.

DIST contingent interest
executory interest
(executed interest)
expectant interest
vested estate
vested right
VOIR interest
vested (adj.) (2°)
future interest

vested legacy (1°) — **legs dévolu de biens personnels, legs dévolu**

CONT A legacy is not said to be vested, except where a legatee has power to distinguish by release or give perfect title by assignment. Where words of futurity are annexed to the substance of the gift, and there is nothing in the will to manifest a different intention, the gift itself will be deemed future, and the question of who is the beneficiary will be deemed dependent on the state of facts when that future time shall arrive. And in this class of cases the legacy is said meanwhile not to be vested, although, if it were an estate in real property given by the same language, it would technically be called a "vested", as distinguished from a "contingent" remainder. (Words and Phrases/U.S., Vol. 44, p. 291)

NOTE Cas d'emploi du second équivalent : a) le terme est qualifié par l'indication de la chose ou de la catégorie léguée; b) la référence spécifique aux biens personnels ressortira de quelque autre façon sans qu'il soit nécessaire de l'exprimer; c) le terme anglais se présente dans le doublet "vested legacy(ies) or (and) devise(s)" ou dans le groupe "vested legacy(ies), devise(s) or (and) bequest(s)".

SYN vested bequest (1°)
DIST contingent legacy
vested bequest (2°)
vested devise
VOIR legacy (1°)
vested (adj.)

vested legacy (2°) — **legs dévolu de somme d'argent**

CONT A legacy payable at a future time, certain to arrive, and not subject to conditions precedent, is vested, where there is a person in esse at the testator's death capable of taking when the time arrives, though his interest may be altogether defeated by his own death.... Thus a legacy to one to be paid when he attains the age of twenty-one years is a vested legacy, because it is given unconditionally and absolutely, and therefore vests an immediate interest in the legatee, of which the enjoyment only is deferred or postponed.
(Black's, 5th ed. 1979, p. 1402)
NOTE Acception restreinte.

DIST contingent legacy (2°)
vested bequest
vested devise
VOIR legacy (2°)
vested (adj.)

vested legacy (3°) — **legs dévolu**

NOTE Acception large qui vise indifféremment les notions désignées par "vested bequest (1°)", "vested devise" et "vested legacy (1°) et (2°)".

SYN vested bequest (2°)
DIST contingent legacy (3°)
vested bequest (1°)
vested devise
VOIR legacy (3°)
vested (adj.)

vested remainder **résidu dévolu**

DEF A vested remainder is a remainder limited to an ascertained person or persons with no further condition imposed upon the taking effect in possession than the determination of the precedent estate.
(Cartwright, 1972, p. 990; Ballentine's, 3rd ed. 1969, p. 1339)
DEF A vested remainder, if defined with reference to the right of possession or enjoyment ... may be defined to be, one that is so limited to a person in being and ascertained, that (subject to any such chattel or other interest collateral to the seisin, property, or ownership, as extends to the possession or enjoyment) it is capable of taking effect, in possession or enjoyment, on the certain determination of the particular estate, without requiring the concurrence of any collateral contingency.
(Fearne, 10th ed. 1844, pp. 61-2)
CONT Remainders are either vested or contingent. They are vested if they are presently ready to take effect in possession or enjoyment upon the natural determination of the preceding estate or estates.
(Anger & Honsberger, 2nd ed. 1985, p. 391)

DIST contingent remainder
(vested life estate)
(vested life interest)
VOIR vested (adj.) (2°)
remainder
vested estate in remainder

vested remainder in fee **résidu en fief dévolu**

VOIR vested (adj.) (2°)
remainder in fee
DIST contingent remainder in fee

vested remainder in fee simple — **résidu en fief simple dévolu**

EX [W]here a testator gave to his widow the use of his farm until his son J attained the age of 21 years when he was to get the east half of the farm, but was to support the widow and his four sisters until they became of age or married and provided that the real estate was to belong to the "family" as long as any of them were alive and was to remain the property of his son's heirs, it was held that ... the five children of the testator took life estates as tenants in common with a vested remainder in J in fee simple....
(Anger & Honsberger, 2nd ed. 1985, p. 397)

DIST contingent remainder in fee simple
VOIR vested (adj.) (2°)
remainder in fee simple

vested remainderman — **résiduaire dévolutaire**

CONT If a tenant for life surrendered his life estate to a vested remainderman, the life estate coalesced with the vested remainder and so ceased to exist as a particular estate. A tenant for life and a vested remainderman could thus conspire together and destroy intermediate contingent remainders.
(Megarry & Wade, 4th ed. 1975, p. 193)

DIST contingent remainderman
VOIR vested (adj.) (2°)
remainderman

vested right **droit dévolu**

DEF An immediate fixed right of present or future enjoyment; an immediate right of present enjoyment, or a present fixed right of future enjoyment.
(Ballentine's, 3rd ed. 1969, p. 1340)
CONT Rights are said to be vested in contradistinction to their being contingent or expectant. A right is "vested" when there is an ascertained person with a present right to present or future enjoyment....
(Cartwright, 1972, p. 991)
NOTE Acception du droit des biens.
NOTE Voir la note sous "vested (adj.) (1°)".

DIST acquired right
contingent right
expectant right
expectancy
possibility
vested estate
vested interest
VOIR vested (adj.) (1°)
(right)

USAGE droit acquis

vesting (n.) dévolution

CONT As a general rule, no interest in property is good unless it must vest if at all, not later than twenty-one years after some life in being at the creation of the interest, allowance being made for gestation only when it actually exists. The vesting required by the rule is of course vesting in interest, not vesting in possession.
(Mendes da Costa & Balfour, 1982, p. 794)
CONT Whether or not it can be said that in every case there is a presumption in favour of vesting, the courts are inclined to hold a gift vested rather than contingent whenever the words used and the will as a whole admit of a construction that will result, as is said, in "early vesting".
(Feeney, 1982, Vol. 2, pp. 259-260)

ANT divesting (n.)
DIST devolution
descent
(acquisition)
divestment
divestiture
VOIR vest (v.)
vested (adj.)

USAGE dévolution
acquisition

waif **gaif (masc.)**

DEF [G]oods found but claimed by nobody; that of which everyone waives the claim. Goods stolen and waived or thrown away by the thief in his flight (bona waviata), for fear of being apprehended, are given to the sovereign by the law, as a punishment upon the owner for not himself pursuing the felon and taking the goods away from him.
(Jowitt's, 2nd ed. 1977, p. 1875)

wait and see period **délai de temporisation**

VOIR wait and see principle

wait and see principle **principe de temporisation**

CONT The common law rule states that an interest is valid if it must vest within the perpetuity period. The wait and see principle states that an interest is valid if it vests in fact within the period.
(Anger & Honsberger, 2nd ed. 1985, p. 519)
CONT All of the [Canadian] statutes, except the Prince Edward Island Act, introduce the wait and see principle. This is done in two stages. First, it is provided that a limitation or disposition creating a contingent interest in real or personal property shall not be treated as void for perpetuity merely because the interest may by possibility vest beyond the perpetuity period. Secondly, the statutes provide that a contingent interest that is capable of vesting within or beyond the perpetuity period is presumptively valid until actual events establish either that it is incapable of vesting within the period, in which case it is void, or that it is incapable of vesting beyond the period, in which case it is valid.
(Anger & Honsberger, supra, p. 520)

wait and see rule **règle de temporisation**

VOIR wait and see principle.

way in gross — **droit de passage indépendant**

EX The court suggested ... that a previously acquired way in gross could be protected if the holder afterwards purchased land. Dicta in an early seventeenth-century case, on the other hand, said that a way cannot be held in gross.
((1980) 96 Law Quarterly Review, p. 560)

SYN right of way in gross
VOIR easement in gross
way (1°)

wild animal — **animal sauvage**

CONT Meaning of "wild animals". The term "wild" (ferae naturae) applied to animals includes not only those animals which are savage by nature but also those of a more mild or timid nature which cannot be classed as domestic or tame animals.
(Halsbury, 4th ed., Vol. 2, pp. 85-6)

ANT domestic animal
DIST tame animal
domesticated animal
animal mansuetae naturae
animal domitae naturae
VOIR animal ferae naturae

wreck épave

CONT Wreck may be defined as property cast ashore within the ebb and flow of the side after shipwreck. The property must be a ship, her cargo or a portion of it or aircraft on or over the sea or tidal waters. With certain exceptions in respect of persons other than Her Majesty and her royal successors, wreck includes any hovercraft or any part or cargo of it found sunk, stranded or abandoned in or on any navigable water, or on or over the foreshore of places where the tide normally ebbs or flows. Wreck can only be taken above the low water mark, and then only when the tide is out because nothing is wreck while it floats, but it becomes wreck as soon as it is fixed to the ground even though water is round it.
(Halsbury, 4th ed., Vol. 8, p. 898)

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accession	accession (1°) accession (2°)
accession artificielle	artificial accession
accession naturelle	natural accession
accessoire	accessory appurtenance
accessoire fixe	fixture
accessoire fixe d'agriculture	agricultural fixture
accessoire fixe de maison	domestic fixture
accessoire fixe d'exploitation	trade fixture
accessoire fixe d'exploitation enlevable	removable trade fixture
accessoire fixe d'ornementation	ornamental fixture
accessoire fixe du locataire	tenant's fixture (2°)

accessoire fixe du locateur	landlord's fixture
accessoire fixe du tenant	tenant's fixture (1°)
accessoire fixe enlevable	removable fixture
accessoire fixe enlevable du locataire	removable tenant's fixture
accessoire fixe inenlevable	irremovable fixture non-removable fixture
accessoire fixe permanent	permanent fixture
accroissement	accretion (1°) accretion (2°) accretion (3°) accretion (4°)
action mixte	mixed action
action personnelle	personal action
action possessoire	possessory action
action propriétale	proprietary action
action réelle	real action
adjonction	adjunctio adjunction
alleu	allodium
alluvion	alluvio alluvion (1°) alluvion (2°) alluvium
améliorations locatives	leasehold improvements

animal apprivoisé	tame animal
animal domestique	domestic animal
animal domestiqué	domesticated animal
animal <u>domitae naturae</u>	animal <u>domitae naturae</u>
animal <u>ferae naturae</u>	animal <u>ferae naturae</u>
animal <u>mansuetae naturae</u>	animal <u>mansuetae naturae</u>
animal sauvage	wild animal
<u>animus revertendi</u>	<u>animus revertendi</u>
annexe	appendant (adj.)
annuité	annuity
apparence de titre	colour of title (1°) colour of title (2°)
appartement	apartment
appartement condominial	apartment condominium (3°)
appui	support (n.) (1°)
appui latéral	adjacent support (1°) lateral support (1°)
appui sous-jacent	subjacent support (1°)
appui tréfoncier	subjacent support (1°)
appui vertical	vertical support (1°)
assise de mort d'ancestre	assize of mort d'ancestor (HIST)

assise de nouvelle dessaisine	assize of novel disseisin (HIST)
auteur de l'accession	accessioner
avulsion	avulsion

- B -

bail	lease (n.) (2°)
bail à construction	building lease
bail à court terme	short lease short-term lease
bail à discrétion	lease at will
bail à durée déterminée	lease for a definite period lease for years
bail à durée fixe	lease for a fixed period
bail à durée indéterminée	lease for an indefinite period
bail à long terme	long lease long-term lease
bail à loyer brut	gross lease
bail à loyer fixe	fixed lease flat lease
bail à loyer hypernet	net net net lease triple net lease
bail à loyer net	net lease

bail à loyer proportionnel	percentage lease
bail à loyer supernet	net net lease
bail à loyer variable	graduated lease
bail à perpétuité	lease in perpetuity perpetual lease
bail à terme certain	lease for a term certain
bail à terme déterminé	lease for a term of years
bail à terme fixe	lease for a fixed term
bail à vie	lease for life
bail actuel	present lease
bail agricole	agricultural lease (1°) agricultural lease (2°)
bail annuel	lease from year to year yearly lease
bail commercial	business lease (1°) business lease (2°) commercial lease (1°) commercial lease (2°)
bail concurrent	concurrent lease
bail conjoint	joint lease
bail de rang antérieur	superior lease
bail de surface	surface lease
bail d'exploitation minière	mineral lease
bail d'habitation	residential lease

bail en common law	legal lease
bail en equity	equitable lease
bail en réversion	lease in reversion
bail foncier	ground lease
bail franc	freehold lease
bail hebdomadaire	weekly lease
bail mensuel	monthly lease
bail minier	mining lease
bail non solennel	informal lease
bail oral	oral lease verbal lease
bail par anticipation	future lease
bail par préclusion	lease by estoppel
bail périodique	periodic lease
bail perpétuel	lease in perpetuity perpetual lease
bail pour une ou plusieurs vies	lease for life or lives
bail primitif	original lease
bail principal	chief lease head lease principal lease
bail renouvelable à perpétuité	perpetually renewable lease

bail réversif	reversionary lease
bail semestriel	six-monthly lease
bail solennel	formal lease
bail trimestriel	quarterly lease
bail verbal	parol lease
bail viager	lease for life
baillaire	bailee
baillaire de droit	constructive bailee
baillaire de fait	actual bailee
baillaire gratifié	
baillaire involontaire	involuntary bailee
baillaire rémunéré	bailee for hire bailee for reward lucrative bailee
baillaire-locataire	conductor
baillaire-mandataire	mandatary
baillant	bailer bailor
baillant-loueur	locator
baillant-mandant	mandator
baillement	bailment
baillement à discrétion	bailment at will

baillement de droit	constructive bailment
baillement de fait	actual bailment
baillement gratuit	gratuitous bailment
baillement involontaire	involuntary bailment
baillement rémunéré	bailment for hire bailment for reward lucrative bailment
baillement-mandat	mandate
bailler	bail (v.)
bailleur	lessor
bailleur conjoint	joint lessor
bailleur immédiat	immediate lessor
bailleur primitif	original lessor
bailleur principal	head lessor
bénéfice de survie	benefit of survivorship
bénéfice du veuf	curtesy right of curtesy tenancy by the curtesy
bénéficiaire	beneficial beneficiary (1°)
bête égarée	estray stray
bien	property (1°)
bien à bail	leasehold property

bien annexe	appendant (n.)
bien commun	common property (1°)
bien condominial	condominium property
bien conjoint	joint property (1°)
bien corporel	corporeal property
bien dépendant	appurtenant (n.)
bien égaré	mislaid property misplaced property
bien en propriété franche	freehold property
bien franc	freehold property
bien futur	future property
bien immatériel	intangible property
bien incorporel	incorporeal property
bien matériel	tangible property
bien mixte	mixed property
bien perdu	lost property
bien personnel corporel	corporeal personal property
bien personnel incorporel	incorporeal personal property
bien sans propriétaire	ownerless property
biens immeubles	immovable property
biens meubles	movable property

biens personnels	goods and chattels (1°) personal estate personal property personalty
biens personnels impurs	impure personalty (HIST)
biens personnels mixtes	mixed personalty
biens personnels purs	pure personalty (2°) (HIST)
biens réels	real estate real property realty
bien-fonds	land (3°)
bois de chauffage	fire-bote
bois de clôture	hay-bote hedge-bote
bois de maison	house-bote
bois d'affouage	bote estovers
bois d'agriculture	cart-bote plough-bote
bourg anglais	borough English (HIST)

- C -

catégorie composée	composite class
cessation d'usage	cessation of user
cestui que vie	cestui que vie

chatel	chattel
chatel corporel	corporeal chattel
chatel incorporel	incorporeal chattel
chatel personnel	chattel personal personal chattel
chatel réel	chattel real real chattel
chatels personnels	pure personalty (1°)
chose abandonnée	derelict
chose annexe	thing appendant
chose dépendante	thing appurtenant
chose non possessoire	chose in action chose in suspense thing in action
chose non possessoire réelle	chose in action real
chose non possessoire personnelle	chose in action personal
chose non possessoire mixte	chose in action mixed
chose non possessoire en equity	equitable chose in action
chose non possessoire en common law	legal chose in action
chose possessoire	chose in possession thing in possession

chose sans propriétaire	ownerless thing
clôture	fence
cobailleur	co-lessor
colocataire	concurrent tenant (2°) cotenant (2°)
colocation	concurrent tenancy (2°) cotenancy (2°)
commixtion	commixtio commixtion commixture
commodatum	commodatum
common law	common law (1°) common law (2°) common law (3°) law (3°)
communage	common (1°) common (2°) common land
communage annexe	common appendant
communage d'affouage	common of estovers
communage de pâture	common of pasture
communage de pâture annexe	common of pasture appendant
communage de pâture dépendant	common of pasture appurtenant
communage de pâture indépendant	common of pasture in gross

communage de pâture réciproque	reciprocal common of pasture
communage de pâture simple	simple common of pasture
communage de pêche	common of piscary
communage de produits du sol	common in the soil
communage de tourbage	common of turbary
communage de voisinage	common pur cause de vicinage
communage dépendant	common appurtenant
communage indépendant	common at large common in gross
communage sans nombre	common sans nombre common without stint
communier (n.)	commoner
condition	condition
condition résolutoire	condition subsequent
condition suspensive	condition precedent
condominium	condominium (1°) condominium (2°) condominium (3°) condominium unit
condominium à bail	leasehold condominium (1°) leasehold condominium (2°) leasehold condominium (3°)

condominium à temps partagé	time-sharing condominium (1°) time-sharing condominium (2°) time-sharing condominium (3°)
condominium à usage d'habitation	residential condominium (1°) residential condominium (2°) residential condominium (3°)
condominium à usage mixte	mixed use condominium (1°) mixed use condominium (2°)
condominium commercial	business condominium (1°) business condominium (2°) business condominium (3°) commercial condominium (1°) commercial condominium (2°) commercial condominium (3°)
condominium de plaisance	resort condominium (1°) resort condominium (2°) resort condominium (3°)
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condominium d'appartements	apartment condominium (2°)
condominium en fief simple	fee simple condominium (1°) fee simple condominium (2°) fee simple condominium (3°)

condominium franc	freehold condominium (1°) freehold condominium (2°) freehold condominium (3°)
condominium industriel	industrial condominium (1°) industrial condominium (2°) industrial condominium (3°)
condominium par appartements	apartment condominium (1°)
confusion	confusio confusion
confusion d'objets	confusion of goods
contrat à fin de bail	contract for lease
contrat de bail	lease contract
contrat de location	contract of tenancy
contrat de louage	contract of hire hiring contract
convention à fin de bail	agreement for lease agreement to lease
convention de sous-location	sub-tenancy agreement
convention de bail	lease agreement
convention de location	tenancy agreement
convention de louage	hiring agreement
convention de métayage	métayer agreement
convention de partage	agreement for partition partition agreement

conventionnel	conventional
copossession	joint possession
copreneur	co-lessee
copropriétaire	concurrent owner co-owner part owner
copropriété	concurrent ownership co-ownership part ownership
copropriété bénéficiaire	beneficial co-ownership
copropriété héréditaire	ownership in coparcenary
corporel	corporeal
cotenance	concurrent tenancy (1°) cotenancy (1°)
cotenance à bail	concurrent tenancy (2°) cotenancy (2°)
cotenance héréditaire	coparcenary parcenary tenancy in coparcenary
cotenant	concurrent tenant (1°) cotenant (1°)
cotenant héréditaire	coparcener parcener tenant in coparcenary
coutume de gavelkind	custom of gavelkind (HIST)

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de common law	common law (adj.) (1°) common law (adj.) (2°) common law (adj.) (3°) legal (3°)
de droit	legal (5°)
déchéance	forfeiture
défectibilité	defeasibility
défectible	defeasible
dégradation	waste
dégradation active	actual waste
dégradation avantageuse	ameliorating waste meliorating waste meliorative waste
dégradation en common law	legal waste
dégradation en equity	equitable waste
dégradation malveillante	malicious waste
dégradation par commission	commissive waste
dégradation par négligence	negligent waste
dégradation par omission	permissive waste
dégradation passive	passive waste
dégradation volontaire	voluntary waste
délai de perpétuité	perpetuity period

délai de prescription	limitation period period of limitation period of prescription (1°) period of prescription (2°) prescriptive period (1°) prescriptive period (2°)
délai de prescription acquisitive	period of prescription (2°) prescriptive period (2°)
délai de prescription extinctive	limitation period period of limitation
délai de temporisation	wait and see period
délimitation	limitation (2°) limitation (3°) limitation (4°)
délimitation conditionnelle	conditional limitation (1°) conditional limitation (2°)
délimitation éventuelle	contingent limitation
délimitation non réalisée	executory limitation (1°) executory limitation (2°)
délimitation successive	successive limitation
délimiter	limit (v.)
dépendance	appurtenance
dépendant	appurtenant (adj.)
déposant	depositor
déposer	deposit (v.)

dépositaire	depositary depositee depository (2°)
depositum	depositum
dépossséder	dispossess (v.)
dépossession	dispossession
dépôt	deposit (n.) (1°) deposit (n.) (2°) deposit (n.) (3°) depository (1°)
d'equity	equitable (2°)
dessaisi (n.)	disseisee
dessaisine	disseisin
dessaisine en equity	equitable disseisin
dessaisir	disseise (v.)
dessaisissant (n.)	disseisor
destinataire de legs de biens réels non réalisé	executory devisee
destinataire de legs non réalisé	executory devisee
dévolu	vested (1°) vested (2°)
dévolu en droit	vested in right
dévolu en intérêt	vested in interest
dévolu en jouissance	vested in enjoyment

dévolu en possession	vested in possession
dévolution	vesting (n.)
discontinuation de possession	discontinuance of possession
discontinuer la possession	discontinue (v.) possession
disjoindre	sever (v.)
disjonction	severance
doctrine	doctrine
doctrine de l'accession	doctrine of accession
doctrine de l'accroissement	doctrine of accretion
doctrine des dégradations	doctrine of waste
doctrine des domaines	doctrine of estates
doctrine des emblavures	doctrine of emblements
doctrine d'occupation	doctrine of occupancy
doctrine domaniale	doctrine of estates
doctrine du droit de survie	doctrine of survivorship
doctrine du meilleur titre	doctrine of worthier title
doctrine du soutien de la préclusion	doctrine of feeding the estoppel
domaine	estate
domaine à bail	leasehold (2°) leasehold estate

domaine à discrétion	estate at will
domaine à durée déterminée	estate for years
domaine à vie	estate for life
domaine à vie d'autrui	estate for the life of another estate pur autre vie life estate pur autre vie
domaine à vies	estate for lives
domaine absolu	absolute estate
domaine actuel	present estate
domaine bénéficiaire	beneficial estate
domaine commun	estate in common
domaine concurrent	concurrent estate
domaine conditionnel	conditional estate
domaine conjoint	estate in joint tenancy estate in jointure (2°) joint estate (1°)
domaine conventionnel	conventional estate
domaine d'appui	supporting estate
domaine de copropriété héréditaire	estate in coparcenary
domaine de douaire	dower estate estate in dower
domaine de réversion	estate in reversion

domaine de tenance unique	estate in sole tenancy
domaine de tolérance	estate at sufferance estate by sufferance
domaine dérivé	derivative estate
domaine dévolu	vested estate (1°) vested estate (2°)
domaine dévolu sans réserve	absolutely vested estate
domaine en common law	estate at law legal estate (1°)
domaine en equity	equitable estate estate in equity
domaine en expectative	estate in expectancy expectant estate
domaine en fief	estate in fee fee estate
domaine en fief simple	estate in fee simple fee simple estate
domaine en fief simple défectible	defeasible estate in fee simple
domaine en fief sous condition	estate in fee upon condition
domaine en fief taillé	estate in fee tail fee tail estate
domaine en possession	estate in possession possessory estate (2°)
domaine éventuel	contingent estate

domaine foncier	estate in land
domaine franc	estate of freehold freehold (2°) freehold estate
domaine franc héréditaire	freehold estate of inheritance freehold of inheritance
domaine franc non héréditaire	estate of mere freehold freehold estate not of inheritance freehold not of inheritance mere freehold
domaine futur	future estate
domaine héréditaire	estate of inheritance inheritable estate
domaine immédiat	immediate estate
domaine individuel	estate in severalty several estate
domaine intermédiaire	intermediate estate
domaine légal	legal estate (2°)
domaine non franc	estate less than freehold less than freehold estate non-freehold estate
domaine non héréditaire	estate not inheritable estate not of inheritance
domaine non réalisé	executory estate
domaine par préclusion	estate by estoppel

domaine particulaire	particular estate
domaine possessoire	possessory estate (1°)
domaine pour la vie du tenant	estate for the life of the tenant
domaine précédent	preceding estate
domaine primitif	original estate
domaine relatif	qualified estate
domaine résiduel	estate in remainder remainder estate
domaine résiduel dévolu	vested estate in remainder
domaine résoluble	determinable estate
domaine résoluble au décès	estate déterminable upon a life
domaine réversif	reversionary estate
domaine sous condition	estate on condition estate upon condition
domaine sous condition résolutoire	estate defeasible upon condition subsequent estate upon condition subsequent
domaine sous condition suspensive	estate upon condition precedent
domaine taillé	estate in fee tail estate in tail estate tail fee tail estate

domaine taillé défectible	defeasible estate in fee tail
domaine taillé spécial	estate tail special special estate tail
domaine unique	estate in sole tenancy sole estate
domaine unitaire	estate by the entireties
domaine viager	estate for life life estate
domaine viager absolu	absolute life estate
domaine viager conventionnel	conventional estate for life conventional life estate
domaine viager défectible	defeasible estate for life
domaine viager du veuf	estate by the curtesy
domaine viager en réversion	life estate in reversion
domaine viager en common law	legal estate for life (1°) legal life estate (1°) life estate at law
domaine viager en equity	equitable life estate life estate in equity
domaine viager immédiat	immediate life estate
domaine viager légal	legal estate for life (2°) legal life estate (2°)
domaine viager ordinaire	ordinary life estate

domaine viager par effet de la loi	life estate by operation of law
domaine viager résiduel	life estate in remainder
domaine viager résoluble	determinable life estate
domaine viager sous condition résolutoire	life estate upon condition subsequent
domaines successifs	successive estates
don dévolu	vested gift
don éventuel	contingent gift
don non réalisé	executory gift
donation dévolue	vested gift
donation éventuelle	contingent gift
donation non réalisée	executory gift
donner à bail	lease (v.) (1°)
donner en location	let (v.)
donner en louage	hire (v.)
donneur à bail	lessor
douaire	dower tenancy in dower
double dégradation	double waste
double loyer	double rent
droit	title (1°)

droit à la possession	right to possess right to possession
droit absolu	absolute right
droit accessoire	ancillary right
droit acquis	acquired right
droit actuel	present right
droit annexe	appendant right right appendant
droit au maintien dans les lieux	security of tenure
droit aux emblavures	right to emblements
droit bénéficiaire	beneficial right
droit commun	common right
droit concurrent	concurrent right
droit conditionnel	conditional right
droit conjoint	joint right
droit corporel	corporeal right
droit coutumier	customary right
droit d'accès	right of access
droit d'accession	right of accession
droit d'accroissement	right of accretion
droit d'accroissement	jus accrescendi right of accruer

droit d'aérement	right to air
droit d'appui	right of support right to support support (n.) (2°)
droit d'appui latéral	adjacent support (2°) lateral support (2°) right of adjacent support right of lateral support
droit d'appui sous-jacent	right of subjacent support subjacent support (2°)
droit d'appui tréfoncier	right of subjacent support subjacent support (2°)
droit d'appui vertical	right of vertical support vertical support (2°)
droit de clôture	right of fencing
droit de communage	common (1°) right of common
droit de communage annexe	common appendant
droit de communage dépendant	common appurtenant
droit de communage indépendant	common at large common in gross
droit de douaire	dower right right of dower
droit de drainage	right of drainage
droit de flottage	right of flotation

droit de jouissance bénéficiaire	beneficial right of enjoyment
droit de navigation	right of navigation
droit de passage	passage (1°) right of passage right of way (1°) way (1°)
droit de passage coutumier	customary right of way
droit de passage de nécessité	right of way of necessity way of necessity (1°)
droit de passage d'exploitation	wayleave (1°)
droit de passage en common law	legal right of way
droit de passage en equity	equitable right of way
droit de passage général	general right of way
droit de passage indépendant	right of way in gross way in gross
droit de passage limité	limited right of way
droit de passage privé	private right of way
droit de passage public	public right of way
droit de pêche	right of fishing
droit de possession	right of possession

droit de propriété	property right (1°) property right (2°) right of ownership right of property (1°) right of property (2°)
droit de propriété en common law	legal property right
droit de propriété en equity	equitable property right
droit de prospect	right of prospect right to a view
droit de rentrée	entry (3°) re-entry (2°) right of re-entry
droit de rentrée pour non-respect de condition	re-entry for condition broken right of re-entry for condition broken
droit de retour	reverter right of reverter
droit de riverain	riparian right
droit de survie	right of survivorship survivorship (2°)
droit de tenure	tenurial right
droit de voisinage	right pur cause de vicinage
droit d'éclairement	right of light right to light
droit d'écoulement des eaux	right of flow

droit d'égout des toits	right of eavesdrop
droit d'entrée	entry (2°) right of entry
droit d'entrée pour non-respect de condition	right of entry for condition broken
droit dépendant	appurtenant right right appurtenant
droit dévolu	vested right
droit d'occupation	right of occupancy
droit du tiers	jus tertii
droit d'usage	right of user
droit d'usage de l'eau	right to water
droit en common law	legal right
droit en equity	equitable right
droit en expectative	expectant right
droit éventuel	contingent right
droit foncier	right in land
droit futur	future right
droit incorporel	incorporeal right
droit indépendant	right in gross
droit individuel	several right

droit indivis	undivided right
droit naturel	natural right
droit naturel d'appui	natural right of support
droit non possessoire	non-possessory right
droit non propriétal	non-proprietary right
droit possessoire	possessory right
droit privé	private right
droit propriétal	proprietary right (1°) proprietary right (2°)
droit public	public right
droit réversif	reversionary right
droit sur l'eau	right of water
droit unique	sole right
droits relatifs à l'eau	water rights

- E -

échange	exchange
égalité	owelty (1°)
égalité de partage	owelty of partition (1°)
égalité d'échange	owelty of exchange (1°)
emblavures	emblements

emprise	right of way (2°)
en common law	common law (adj.) (1°) common law (adj.) (2°) common law (adj.) (3°) legal (3°)
en equity	equitable (2°)
en expectative	in expectancy
en fief	in fee
en fief simple	in fee simple
en fief taillé	in tail
en fief taillé en ligne féminine	in tail female
en fief taillé en ligne masculine	in tail male
en intérêt	in interest
en jouissance	in enjoyment
en possession	in possession
entrée	entry (1°)
entrée de droit	constructive entry
entrée de fait	actual entry
entrer	enter (v.)
épave	wreck
équitable	equitable (1°)

équité	equity (1°)
equity	equity (2°)
espoir de succession	spes successionis
estouviers	bote estovers
éteindre	extinguish (v.)
être dévolu	vest (v.)
éventualité	contingency (1°) contingency (2°)
éventualité à double aspect	contingency with a double aspect (1°) contingency with a double aspect (2°)
éventualité alternative	alternative contingency (1°) alternative contingency (2°)
éventualité apparente	apparent contingency (1°) apparent contingency (2°)
éventualité double	double contingency
éventuel	contingent
expectative	expectancy (1°) expectancy (2°)
extinction	extinction extinguishment

- F -

faire retour	revert (v.)
fait de possession	factum possidendi
fief	fee
fief conditionnel	conditional fee (1°) conditional fee (2°) conditional fee (3°)
fief de chevalier	knight's fee (HIST)
fief défectible	defeasible fee
fief imparfait	base fee (1°) base fee (2°)
fief relatif	modified fee qualified fee
fief résoluble	determinable fee
fief simple	fee simple
fief simple absolu	fee simple absolute
fief simple conditionnel	conditional fee simple fee simple conditional (1°) fee simple conditional (2°)
fief simple défectible	defeasible fee simple fee simple defeasible
fief simple en common law	legal fee simple
fief simple en equity	equitable fee simple
fief simple en réversion	fee simple in reversion

fief simple relatif	modified fee simple qualified fee simple
fief simple résoluble	determinable fee simple fee simple determinable
fief simple sous condition	fee simple upon condition
fief simple sous condition résolutoire	fee simple defeasible by condition subsequent fee simple subject to condition subsequent fee simple upon condition subsequent
fief sous condition résolutoire	fee defeasible upon condition subsequent fee upon condition subsequent
fief taillé	entail (n.) (2°) fee tail tail (1°)
fief taillé en common law	legal entail (2°) legal fee tail
fief taillé en equity	equitable entail (2°) equitable fee tail
fief taillé en ligne féminine	fee tail female tail female
fief taillé en ligne masculine	fee tail male tail male
fief taillé ordinaire	fee tail general general entail (2°) general tail tail general

fief taillé ordinaire en ligne féminine	general tail female tail female general
fief taillé ordinaire en ligne masculine	general tail male tail male general
fief taillé résoluble	determinable entail
fief taillé restreint	restricted entail (2°)
fief taillé sans possibilité de descendance	fee tail after possibility of issue extinct tail after posibility of issue extinct
fief taillé spécial	fee tail special special entail (2°) special tail tail special
fief taillé spécial en ligne masculine	special tail male tail male special
fief taillé spécial en ligne féminine	special tail female tail female special
fief taillé spécial sans restriction de sexe	special tail general
fief-ferme	fee farm (HIST)
fondement de titre	root of title (1°)
fondement valable de titre	good root of title (1°)
fondre	merge (v.)
fonds	land (2°) land (3°)
fonds à bail	leasehold land

fonds de terre	corporeal land land (2°)
fonds dominant	dominant estate dominant land dominant tenement
fonds enclavé	landlocked land (2°) landlocked tenement
fonds franc	freehold land
fonds quasi-dominant	quasi-dominant land quasi-dominant tenement
fonds quasi-servant	quasi-servient land quasi-servient tenement
fonds riverain	riparian land (2°) riparian tenement
fonds servant	servient estate servient land servient tenement
fossé mitoyen	party ditch
fractionnement de catégorie	class splitting
franc et commun socage	free and common socage
franc socage	free socage (HIST)
franche tenure	free tenure
franche-aumône	frankalmoign (HIST)
franc-socage	free socage (HIST)
franc-tènement	frank-tenement freehold tenement

fruits industriels	fructus industriales
fruits naturels	fructus naturales
fusion	merger

- G -

gaif	waif
garde	custody
gardien	custodian custodier
gavelkind	gavelkind (HIST)
grande sergenterie	grand serjeanty (HIST)

- H -

héritage	hereditament
héritage corporel	corporeal hereditament
héritage franc	freehold hereditament
héritage incorporel	incorporeal hereditament
héritage mixte	mixed hereditament
héritage personnel	personal hereditament
héritage réel	real hereditament
héritier en fief taillé	heir in tail

héritier expectant	expectant heir
héritiers du fief taillé	entail (n.) (3°)
héritiers du fief taillé en common law	legal entail (3°)
héritiers du fief taillé en equity	equitable entail (3°)
hommage d'ancêtre	homage ancestral (HIST)

- I -

immeubles	immovables
incorporel	incorporeal
indéfectibilité	indefeasibility
indéfectible	indefeasible
intention de posséder	animus possidendi
interesse termini	interesse termini
intérêt	interest (1°) interest (2°)
intérêt à bail	leasehold interest
intérêt à vie	interest for life
intérêt à vie d'autrui	interest for the life of another interest pur autre vie life interest pur autre vie
intérêt à vies	interest for lives

intérêt absolu	absolute interest
intérêt actuel	present interest
intérêt antérieur	prior interest
intérêt bénéficiaire	beneficial interest (1°) beneficial interest (2°)
intérêt bénéficiaire commun	beneficial interest in common
intérêt bénéficiaire conjoint	joint beneficial interest
intérêt-chattel	chattel interest
intérêt commun	common interest (1°) interest in common
intérêt concurrent	concurrent interest
intérêt conditionnel	conditional interest
intérêt condominial	condominium interest
intérêt conjoint	interest in joint tenancy joint interest
intérêt conventionnel	conventional interest
intérêt corporel	corporeal interest
intérêt de douaire	dower interest interest in dower
intérêt de propriété	property interest
intérêt de réversion	interest in reversion
intérêt défectible	defeasible interest (1°) defeasible interest (2°)

intérêt dérivé	derivative interest
intérêt dévolu	vested interest (1°) vested interest (2°)
intérêt dévolu sans réserve	absolutely vested interest
intérêt divis	divided interest
intérêt en common law	legal interest
intérêt en equity	equitable interest
intérêt en expectative	expectant interest interest in expectancy
intérêt en fief	fee interest interest in fee
intérêt en fief simple	fee simple interest interest in fee simple
intérêt en fief taillé	fee tail interest interest in fee tail
intérêt éventuel	contingent interest
intérêt éventuel non réalisé	contingent executory interest
intérêt existant	existing interest
intérêt foncier	interest in land (1°) interest in land (2°)
intérêt franc	freehold interest
intérêt franc non possessoire	non-possessory freehold interest

intérêt franc possessoire	possessory freehold interest
intérêt futur	future interest (1°) future interest (2°)
intérêt futur en common law	common law future interest legal future interest
intérêt futur en equity	equitable future interest
intérêt futur éventuel	contingent future interest
intérêt héréditaire	inheritable interest
intérêt immédiat	immediate interest
intérêt incorporel	incorporeal interest
intérêt indéfectible	indefeasible interest
intérêt indéfectiblement dévolu	indefeasibly vested interest
intérêt individuel	interest in severalty several interest
intérêt indivis	undivided interest
intérêt intermédiaire	intermediate interest
intérêt interposé	intervening interest
intérêt limité	limited interest (1°) limited interest (2°)
intérêt non franc	interest less than freehold less than freehold interest non-freehold interest
intérêt non possessoire	non-possessory interest

intérêt non propriétal	non-proprietary interest
intérêt non réalisé	executory interest (1°) executory interest (2°)
intérêt non réalisé en common law	legal executory interest
intérêt non réalisé en equity	equitable executory interest
intérêt non réversif	non-reversionary interest
intérêt particulaire	particular interest
intérêt périodique	periodic interest
intérêt possessoire	possessory interest
intérêt pour la vie du tenant	interest for the life of the tenant
intérêt précédent	preceding interest
intérêt primitif	original interest
intérêt propriétal	proprietary interest (1°) proprietary interest (2°)
intérêt relatif	qualified interest
intérêt résiduel	interest in remainder remainder interest
intérêt résoluble	determinable interest
intérêt résoluble au décès	interest determinable upon a life
intérêt réversif	reversionary interest

intérêt sous condition	interest on condition interest upon condition
intérêt sous condition résolutoire	interest defeasible upon condition subsequent interest upon condition subsequent
intérêt sous condition suspensive	interest upon condition precedent
intérêt successif	interest in succession successive interest
intérêt successif en equity	equitable successive interest
intérêt sur biens personnels	interest in personal property interest in personalty
intérêt sur biens réels	interest in real property interest in realty
intérêt taillé	entailed interest interest in fee tail interest in tail
intérêt taillé en equity	equitable entailed interest
intérêt transmissible par hérédité	descendible interest
intérêt unique	sole interest
intérêt viager	interest for life life interest
intérêt viager conditionnel	conditional life interest

intérêt viager conventionnel	conventional life interest
intérêt viager de réversion	life interest in reversion
intérêt viager défectible	defeasible life interest
intérêt viager en common law	legal life interest (1°)
intérêt viager en equity	equitable life interest
intérêt viager légal	legal life interest (2°)
intérêt viager ordinaire	ordinary life interest
intérêt viager par effet de la loi	life interest by operation of law
intérêt viager résiduel	life interest in remainder
intérêt viager résoluble	determinable life interest
intérêt viager sous condition résolutoire	life interest subject to condition subsequent life interest upon condition subsequent
intérêt viager successif	successive life interest
inventer	find (v.)
inventeur	finder
invention	finding (n.)
invitant (n.)	invitor
invitation	invitation

invitation expresse	express invitation
invitation tacite	implied invitation
invité (n.)	invitee licensee by invitation

- J -

joindre	tack (v.)
jonction de possessions	tacking (n.) (2°)
jouissance	enjoyment
jouissance actuelle	present enjoyment
jouissance adversative	adverse enjoyment
jouissance bénéficiaire	beneficial enjoyment
jouissance comme de droit	enjoyment as of right
jouissance paisible	peaceful enjoyment quiet enjoyment
jouissance précaire	permissive enjoyment
jours anciens	ancient lights
juridique	legal (1°)

- L -

légal	legal (4°)

légataire éventuel	contingent devisee contingent legatee (1°) contingent legatee (3°)
légataire éventuel de biens personnels	contingent legatee (1°)
légataire éventuel de biens réels	contingent devisee
légataire éventuel de somme d'argent	contingent legatee (2°)
légataire éventuel du reliquat	contingent residuary legatee
légataire éventuel du reliquat de biens personnels	contingent residuary legatee
legs de biens personnels non réalisé	executory bequest
legs de biens réels non réalisé	executory devise (1°) executory devise (2°)
legs dévolu	vested bequest (1°) vested bequest (2°) vested devise vested legacy (1°) vested legacy (3°)
legs dévolu de biens personnels	vested bequest (1°) vested legacy (1°)
legs dévolu de biens réels	vested devise
legs dévolu de somme d'argent	vested legacy (2°)

legs éventuel	contingent bequest (1°) contingent bequest (2°) contingent devise contingent legacy (1°) contingent legacy (3°)
legs éventuel de biens personnels	contingent bequest (1°) contingent legacy (1°)
legs éventuel de biens réels	contingent devise
legs éventuel de somme d'argent	contingent legacy (2°)
legs éventuel du reliquat	contingent residuary legacy
legs éventuel du reliquat de biens personnels	contingent residuary legacy
legs non réalisé	executory bequest executory devise (1°) executory devise (2°)
libération du fief taillé	disentailment
libérer le fief taillé	disentail (v.)
libre socage	free socage (HIST)
lieux loués	leased premises rented premises
local d'habitation	residential premises
local loué	leased premises rented premises
locataire	tenant (2°)

locataire à durée déterminée	tenant for years (2°)
locataire à la semaine	weekly tenant
locataire à l'année	tenant from year to year yearly tenant
locataire à terme déterminé	tenant for a term of years (2°)
locataire à titre périodique	periodic tenant (2°)
locataire agricole	agricultural tenant (2°)
locataire après terme	holdover tenant (2°) overholding tenant (2°)
locataire au mois	monthly tenant tenant from month to month
locataire au trimestre	tenant from quarter to quarter
locataire commercial	business tenant (2°) commercial tenant (2°)
locataire commun	tenant in common (2°)
locataire conjoint	joint tenant (2°)
locataire contractuel	contractual tenant (2°)
locataire de fief-ferme	tenant in fee farm (2°)
locataire d'habitation	residential tenant (2°)
locataire en possession	tenant in possession (2°)
locataire enclavé	landlocked tenant (2°)

locataire entrant	incoming tenant (2°)
locataire par préclusion	tenant by estoppel (2°)
locataire primitif	original tenant (2°)
locataire principal	head tenant (2°)
locataire sortant	outgoing tenant (2°)
locataire unitaire	tenant by the entireties (2°)
locatarius	locatarius
locateur	landlord
locateur de rang antérieur	superior landlord
locateur intermédiaire	intermediate landlord mesne landlord
locateur principal	chief landlord head landlord
locatio conductio	locatio conductio
locatio custodiae	locatio custodiae
locatio et conductio	locatio et conductio
locatio operis	locatio operis
locatio operis faciendi	locatio operis faciendi
locatio rei	locatio rei

location	let (n.) letting rental (1°) renting tenancy (2°)
location à bail	lease (n.) (1°)
location à bail commerciale	business lease (1°) commercial lease (1°)
location à bail agricole	agricultural lease (1°)
location à bail de la réversion	lease of the reversion
location à bail en common law	legal lease
location à bail en equity	equitable lease
location à bail franche	freehold lease
location à bail par préclusion	lease by estoppel
location à court terme	short tenancy (2°)
location à discrétion	tenancy at will (2°)
location à durée déterminée	tenancy for a definite period (2°) tenancy for years (2°)
location à durée fixe	tenancy for a fixed period (2°)
location à la semaine	tenancy by the week week to week tenancy weekly tenancy

location à long terme	long tenancy (2°)
location à l'année	tenancy from year to year year to year tenancy yearly tenancy
location à terme certain	tenancy for a term certain
location à terme déterminé	tenancy for a term of years (2°)
location à terme fixe	fixed term tenancy (2°) tenancy for a fixed term (2°)
location à usage d'habitation	residential tenancy (2°)
location agricole	agricultural tenancy (2°)
location au mois	month-to-month tenancy monthly tenancy tenancy from month to month
location au semestre	half-yearly tenancy six-monthly tenancy
location au trimestre	quarterly tenancy three-monthly tenancy
location commerciale	business tenancy (2°) commercial tenancy (2°)
location commune	common tenancy (2°) tenancy in common (2°)
location conjointe	joint tenancy (2°)
location contractuelle	contractual tenancy (2°)
location par préclusion	tenancy by estoppel (2°)

location périodique	periodic tenancy (2°)
location primitive	original tenancy (2°)
location principale	head tenancy (2°)
location unitaire	tenancy by the entireties (2°)
location verbale	parol tenancy (2°)
locatum	locatum
locaux d'habitation	residential premises
locaux loués	leased premises rented premises
long usage	long use long user
longue possession	long possession
louage	hire (n.) (1°) hiring
louer	hire (v.) (1°) hire (v.) (2°) let (v.) rent (v.)
loyer	rent (n.) (1°)
loyer à échelle mobile	sliding scale rent
loyer anticipé	fore-hand rent
loyer de fief-ferme	fee farm rent (1°)
loyer de pénalité	penal rent

loyer du fonds de terre	ground rent (2°)
loyer fixe	fixed rent
loyer indépendant	rent in gross
loyer net	net rent
loyer normal	single rent
loyer principal	chief rent (1°) head rent
loyer progressif	progressive rent
loyer proportionnel	percentage rent
loyer supernet	net net rent
loyer variable	variable rent

- M -

mandatum	mandatum
masse successorale	estate (3°)
masuage	messuage
mélange	admixture (1°) admixture (2°) commingling (n.) intermingling (n.) intermixture mingling (n.)
meubles	movables
mur de clôture mitoyen	party fence wall

mur de séparation	dividing wall division wall separating wall
mur mitoyen	party wall
mur séparatif	dividing wall division wall separating wall

- N -

nominal	nominal
nomination éventuelle	contingent appointment
non réalisé	executory (1°) executory (2°)
non responsable de dégradation	unimpeachable for waste unimpeachable of waste
non séparable	non-severable unseverable
non susceptible de disjonction	non-severable unseverable
non-propriétaire	non-owner
non-usage	non-use
nouvelle dessaisine	novel disseisin (HIST)

- O -

objet abandonné	derelict

objets	goods
objets égarés	mislaid goods
objets et chatels	goods and chattels (2°)
occupant	occupant (1°) occupant (2°) occupant (3°) occupier
occupant après terme	overholder
occupant ordinaire	common occupant general occupant
occupant spécial	special occupant
occupation	occupancy (1°) occupancy (2°) occupancy (3°) occupancy (4°) occupation
occupation adversative	adverse occupancy adverse occupation
occupation après terme	holding over overholding
occupation ordinaire	common occupancy general occupancy
occupation spéciale	special occupancy
occuper après terme	hold (v.) over overhold (v.)
offre de bail	offer to lease

ouvrage mitoyen	party structure

- P -

parcelle de droit	scintilla juris
part divise	divided share
part indivise	undivided share
partage	partition
partage amiable	partition by agreement
partage forcé	compulsory partition
partage judiciaire	judicial partition partition by court order
partage volontaire	voluntary partition
partie commune	common area (1°) common area (2°) common part (1°) common part (2°) common property (4°)
partie commune à usage exclusif	exclusive use common area exclusive use common property limited common area
partie privative	unit
parties communes	common elements common property (3°)

parties communes à usage exclusif	exclusive use common elements limited common elements limited common property
parties communes générales	general common elements
passage	passage (2°) way (2°)
passage d'exploitation	wayleave (2°)
patrimoine	estate (3°)
permettant (n.)	licensor
permission	licence
permission à titre gratuit	gratuitous licence
permission à titre personnel	personal licence
permission assortie d'intérêt	licence coupled with an interest
permission contractuelle	contractual licence
permission en equity	equitable licence
permission exclusive	exclusive licence
permission expresse	express licence
permission irrévocable	irrevocable licence
permission par préclusion	estoppel licence licence by estoppel licence protected by estoppel

permission possessoire	possessory licence
permission réelle	licence real real licence
permission révocable	revocable licence
permission tacite	implied licence
permission verbale	parol licence
permissionnaire	licensee licensee by permission
permissionnaire à titre gratuit	gratuitous licensee
permissionnaire contractuel	contractual licensee
permissionnaire exclusif	exclusive licensee
perpétuité	perpetuity (1°) perpetuity (2°)
petite sergenterie	petit serjeanty (HIST) petty serjeanty (HIST)
plein loyer	rack rent
possesseur	possessor
possesseur adversatif	adverse possessor
possesseur de bonne foi	bona fide possessor possessor bona fide
possesseur de mauvaise foi	possessor in bad faith possessor malae fidei possessor mala fide
possession	possession

possession adversative	adverse possession
possession apparente	apparent possession
possession concurrente	concurrent possession
possession continue	continuous possession
possession contradictoire	hostile possession
possession corporelle	corporeal possession
possession de droit	constructive possession legal possession (2°) possession implied in law possession in law
possession de fait	de facto possession possession in deed possession in fact
possession dérivée	derivative possession
possession discontinue	discontinuous possession
possession effective	actual possession
possession exclusive	exclusive possession
possession juridique	legal possession (1°)
possession non adversative	non-adverse possession
possession paisible	peaceable possession peaceful possession quiet possession
possession précaire	permissive possession
possession publique	open possession

possession unique	sole possession
possibilité	possibility (1°) possibility (2°)
possibilité assortie d'intérêt	possibility coupled with an interest
possibilité de retour	possibility of reverter
possibilité double	double possibility
possibilité sur possibilité	possibility on a possibility possibility upon a possibility
préclure	estop (v.)
préclusion	estoppel preclusion
préclusion en common law	common law estoppel legal estoppel
préclusion en equity	equitable estoppel
prendre à bail	lease (v.) (2°)
prendre en louage	hire (v.) (2°)
preneur	lessee
preneur à bail	lessee
preneur à vie d'autrui	lessee pur autre vie
preneur concurrent	concurrent lessee
preneur conjoint	joint lessee

preneur intermédiaire	mesne lessee
preneur primitif	original lessee
preneur principal	head lessee
prescription	limitation (1°) prescription (1°) prescription (2°)
prescription acquisitive	acquisitive prescription prescription (2°)
prescription acquisitive de common law	common law prescription prescription at common law
prescription acquisitive d'origine législative	statutory prescription
prescription de common law	common law prescription prescription at common law
prescription d'origine législative	statutory prescription
prescription extinctive	extinctive prescription limitation (1°)
prescription négative	negative prescription
prescription positive	positive prescription
prime	fine (1°) foregift premium
principe	principle
principe de temporisation	wait and see principle
privilège propriétal	proprietary privilege

prix de location	rental (2°)
prix de louage	hire (n.) (2°)
produit du sol	produce of the soil product of the soil
profit	profit (1°) profit (2°)
profit à prendre	profit (2°) profit à prendre profit à prendre in alieno solo
profit à prendre annexe	appendant profit appendant profit à prendre profit à prendre appendant profit appendant
profit à prendre dépendant	profit à prendre appurtenant profit appurtenant
profit à prendre en commun	profit à prendre in common profit in common
profit à prendre indépendant	profit à prendre in gross profit in gross
profit à prendre individuel	several profit sole profit
profit à rendre	profit à rendre (HIST)
profit annexe	appendant profit profit appendant
profit d'affouage	profit of estovers

profit de pâture	profit of pasture
profit de pêche	profit of piscary
profit de tourbage	profit of turbary
profit de voisinage	profit à prendre pur cause de vicinage profit pur cause de vicinage
profit dépendant	profit appurtenant
profit du sol	profit in the soil
profit indépendant	profit in gross
propriétaire	owner proprietary (n.) proprietor (1°)
propriétaire à bail	leasehold owner
propriétaire absolu	absolute owner
propriétaire bénéficiaire	beneficial owner
propriétaire commun	owner in common
propriétaire concurrent	concurrent owner
propriétaire concurrent en common law	legal concurrent owner
propriétaire conjoint	joint owner
propriétaire d'appartement	apartment owner
propriétaire d'appartement condominial	condominium apartment owner

propriétaire de condominium	condominium owner
propriétaire de fonds dominant	dominant owner dominant proprietor
propriétaire de fonds servant	servient owner servient proprietor
propriétaire d'unité	unit owner
propriétaire d'unité d'habitation	flat owner
propriétaire en common law	legal owner
propriétaire en equity	equitable owner
propriétaire en fief	tenant in fee
propriétaire en fief simple	fee simple owner fee simple tenant owner in fee simple tenant in fee simple
propriétaire en fief taillé	fee tail tenant tenant in fee tail tenant in tail
propriétaire en fief taillé sans possibilité de descendance	tenant in tail after possibility of issue extinct
propriétaire enclavé	landlocked owner
propriétaire exclusif	exclusive owner
propriétaire foncier	landowner

propriétaire franc	freeholder
propriétaire général	general owner
propriétaire individuel	owner in severalty several owner
propriétaire limité	limited owner
propriétaire nominal	nominal owner
propriétaire partiaire	part owner
propriétaire relatif	qualified owner
propriétaire riverain	riparian owner riparian proprietor
propriétaire spécial	special owner
propriétaire unique	sole owner
propriété	ownership property (1°) property (2°)
propriété à bail	leasehold (1°) leasehold ownership leasehold property leasehold tenancy
propriété à vie d'autrui	tenancy pur autre vie
propriété absolue	absolute ownership absolute property
propriété allodiale	allodial ownership
propriété bénéficiaire	beneficial ownership

propriété commune	common property (1°) common property (2°) ownership in common
propriété concurrente	concurrent ownership
propriété condominiale	condominium ownership condominium property
propriété conjointe	joint ownership joint property (1°) joint property (2°)
propriété corporelle	corporeal property
propriété en common law	legal ownership
propriété en equity	equitable ownership
propriété en fief	tenancy in fee
propriété en fief simple	tenancy in fee simple
propriété en fief taillé	tenancy in fee tail tenancy in tail
propriété en fief taillé sans possibilité de descendance	tenancy in tail after possibility of issue extinct
propriété exclusive	exclusive ownership
propriété franche	freehold (1°) freehold tenancy
propriété franche de droit	freehold in law
propriété franche de fait	freehold in deed
propriété générale	general ownership general property

propriété horizontale	horizontal property
propriété incorporelle	incorporeal property
propriété individuelle	ownership in severalty several ownership
propriété limitée	limited ownership
propriété mixte	mixed property
propriété nominale	nominal ownership
propriété par appartements	apartment ownership
propriété par unités d'habitation	flat ownership
propriété partiaire	part ownership
propriété relative	qualified ownership qualified property
propriété restreinte	restricted ownership
propriété spéciale	special ownership special property
propriété unique	sole ownership
propriété unique et individuelle	sole and several ownership
propriété viagère	life tenancy tenancy for life

- Q -

quasi-baillaire	quasi-bailee

quasi-baillement	quasi-bailment
quasi-possession	quasi-possession
quasi-profit	quasi-profit
quasi-servitude	quasi-easement

- R -

rapport de tenance	tenancy relationship (1°)
rapport locateur-locataire	landlord-tenant relationship
rapport locatif	tenancy relationship (2°)
récolte en cours de croissance	growing crop
récolte industrielle	industrial crop
récolte industrielle en cours de croissance	industrial growing crop
récolte naturelle	natural crop
récolte sur pied	standing crop
redevance fixe	dead rent
règle	rule
règle de temporisation	wait and see rule
règle d'interdiction de perpétuités	perpetuity rule rule against perpetuities

relais	derelict land dereliction (2°) dereliction (3°) relicted land reliction (1°) reliction (2°)
rente	rent (2°)
rente-charge	ground rent (1°) rentcharge
rente-charge en common law	legal rentcharge
rente-charge en equity	equitable rentcharge
rente-charge en fief simple	rentcharge in fee simple
rente-charge perpétuelle	perpetual rentcharge
rente-charge viagère	rentcharge for life
rente d'assise	rent of assize (HIST)
rente de fief-ferme	fee farm rent (2°) (HIST)
rente libératoire	quit rent (HIST)
rente principale	chief rent (2°) (HIST)
rente sèche	barren rent dry rent rentseck
rente-service	rentservice
rentrée	re-entry (1°)
rentrer	re-enter (v.)
résidu	remainder

résidu dévolu	vested remainder
résidu dévolu sans réserve	absolutely vested remainder
résidu en common law	legal remainder
résidu en equity	equitable remainder
résidu en fief	remainder in fee
résidu en fief dévolu	vested remainder in fee
résidu en fief éventuel	contingent remainder in fee
résidu en fief simple	remainder in fee simple
résidu en fief simple dévolu	vested remainder in fee simple
résidu en fief simple éventuel	contingent remainder in fee simple
résidu en fief taillé	remainder in fee tail remainder in tail
résidu éventuel	contingent remainder
résidu éventuel en common law	legal contingent remainder
résidu éventuel en equity	equitable contingent remainder
résidu non réalisé	executory remainder
résidu taillé	remainder in tail
résidu viager	remainder for life

résiduaire (n.)	remainderman
résiduaire dévolutaire	vested remainderman
résiduaire en fief taillé	remainderman in tail
résiduaire éventuel	contingent remainderman
résoluble	determinable
responsable de dégradation	impeachable of waste
retour	reverter
retourner	revert (v.)
retranchement	divesting (n.) divestiture divestment
retranchement partiel	partial divestment
retranchement total	complete divestment
retrancher	devest (v.) divest (v.)
réversion	reversion
réversion de bailleur	leasehold reversion
réversion de propriétaire franc	freehold reversion
réversion du locateur	landlord's reversion
réversion en fief	reversion in fee
réversion viagère	reversion for life

réversionnaire (n.)	reversioner

- S -

saisine	seisin
saisine en common law	legal seisin
saisine en equity	equitable seisin
sans obligation de répondre des dégradations	without impeachment of waste
scintilla juris	scintilla juris
se fondre	merge (v.)
séparable	severable
séparation	severance
séparer	sever (v.)
sergenterie	serjeanty (HIST)
service de chevalier	knight service (HIST)
service foncier	servitude
service foncier négatif	negative servitude
service foncier positif	positive servitude
servitude	easement
servitude à durée déterminée	easement for years

servitude accessoire	ancillary easement secondary easement
servitude apparente	apparent easement
servitude continue	continuous easement
servitude d'accès	access easement easement of access
servitude d'aérement	easement for air easement of air
servitude d'appui	easement for support easement of support
servitude d'appui latéral	easement of adjacent support easement of lateral support
servitude d'appui naturel	easement of natural support
servitude d'appui sous-jacent	easement of subjacent support
servitude d'appui tréfoncier	easement of subjacent support
servitude d'appui vertical	easement of vertical support
servitude de clôture	easement of fencing
servitude de commodité	easement of convenience
servitude de jour	ancient lights
servitude de nécessité	easement by necessity easement of necessity

servitude de passage	easement of passage easement of way
servitude de prospect	easement of prospect easement of view
servitude de voie publique	highway easement
servitude d'eau	easement of water
servitude d'éclairement	easement for light easement of light
servitude d'égout des toits	easement of drip easement of eavesdrop
servitude discontinue	discontinuous easement non-continuous easement
servitude d'origine législative	statutory easement
servitude d'utilité privée	private easement
servitude d'utilité publique	public easement
servitude en common law	legal easement
servitude en equity	equitable easement
servitude indépendante	easement in gross
servitude intermittente	intermittent easement
servitude nécessaire	necessary easement
servitude négative	negative easement
servitude non apparente	non-apparent easement

servitude par préclusion	easement by estoppel
servitude positive	affirmative easement positive easement
servitude principale	primary easement principal easement
servitude réciproque	cross-easement
servitudes réciproques	mutual easements reciprocal easements
simple droit	bare right mere right naked right
simple droit d'entrée	mere right of entry
simple expectative	bare expectancy mere expectancy
simple permission	bare licence mere licence simple licence
simple permissionnaire	bare licensee mere licensee naked licensee simple licensee
simple possession	bare possession mere possession naked possession
simple possibilité	mere possibility naked possibility
socage	socage (HIST)
socage commun	common socage (HIST)

sol	land (1°)
soulte	owelty (2°)
soulte de partage	owelty of partition (2°)
soulte d'échange	owelty of exchange (2°)
sous-bail	sub-lease (n.) (1°) sub-lease (n.) (2°) under-lease (n.) (1°) under-lease (n.) (2°)
sous-bail primitif	original sub-lease original under-lease
sous-bailleur	sub-lessor under-lessor
sous-inféodation	subinfeodation (HIST)
sous-locataire	sub-tenant (2°) under-tenant (2°)
sous-locateur	sub-landlord
sous-location	subletting (n.) sub-tenancy (2°) underletting (n.)
sous-location à bail	sub-lease (n.) (2°) under-lease (n.) (2°)
sous-louer	sub-let (v.) under-let (v.)
sous-louer à bail	sub-lease (v.) under-lease (v.)
sous-preneur	sub-lessee under-lessee

sous-tenance	sub-tenancy (1°)
sous-tenant	sub-tenant (1°) under-tenant (1°)
sous-tenure	subtenure (HIST)
soutenir la préclusion	feed (v.) the estoppel
soutien de la préclusion	feeding of the estoppel
spécification	specificatio specification
squatter (v.)	squat (v.)
squatteur	squatter
succession	estate (2°) estate (3°)
survie	survivorship (1°)
susceptible de disjonction	severable

- T -

taille	entail (n.) (1°) entailment tail (2°)
taille en common law	legal entail (1°)
taille en equity	equitable entail (1°)
taille ordinaire	general entail (1°)
taille restrictive	restricted entail (1°)

taille spéciale	special entail (1°)
tailler	entail (v.)
tenance	tenancy (1°)
tenance à bail	leasehold tenancy tenancy (2°)
tenance à bail commerciale	business tenancy (2°) commercial tenancy (2°)
tenance à bail commune	common tenancy (2°) tenancy in common (2°)
tenance à bail conjointe	joint tenancy (2°)
tenance à bail par préclusion	tenancy by estoppel (2°)
tenance à bail unitaire	tenancy by the entireties (2°)
tenance à court terme	short tenancy (1°)
tenance à discrétion	tenancy at will (1°)
tenance à durée déterminée	tenancy for a definite period (1°) tenancy for years (1°)
tenance à durée fixe	tenancy for a fixed period (1°)
tenance à long terme	long tenancy (1°)
tenance à terme certain	tenancy for a term certain (1°)
tenance à terme déterminé	tenancy for a term of years (1°)

tenance à terme fixe	fixed term tenancy (1°) tenancy for a fixed term (1°)
tenance à usage d'habitation	residential tenancy (1°)
tenance à vie d'autrui	tenancy pur autre vie
tenance agricole	agricultural tenancy (1°)
tenance commerciale	business tenancy (1°) commercial tenancy (1°)
tenance commune	common tenancy (1°) tenancy in common (1°)
tenance commune en common law	legal tenancy in common tenancy in common at law
tenance commune en equity	equitable tenancy in common tenancy in common in equity
tenance concurrente	concurrent tenancy (1°)
tenance conjointe	joint tenancy (1°) jointure (2°)
tenance conjointe en common law	joint tenancy at law legal joint tenancy legal jointure (2°)
tenance conjointe en equity	equitable joint tenancy equitable jointure (2°) joint tenancy in equity
tenance contractuelle	contractual tenancy (1°)
tenance du veuf	tenancy by the curtesy
tenance en douaire	tenancy in dower

tenance en fief	tenancy in fee
tenance en fief simple	tenancy in fee simple
tenance en fief taillé	tenancy in fee tail tenancy in tail
tenance en fief taillé sans possibilité de descendance	tenancy in tail after possibility of issue extinct
tenance franche	freehold tenancy
tenance individuelle	several tenancy tenancy in severalty
tenance par opération législative	statutory tenancy
tenance par préclusion	tenancy by estoppel (1°)
tenance par tolérance	tenancy at sufferance tenancy by sufferance
tenance périodique	periodic tenancy (1°)
tenance primitive	original tenancy (1°)
tenance principale	head tenancy (1°)
tenance unique	sole tenancy
tenance unique et individuelle	sole and several tenancy
tenance unitaire	tenancy by the entireties (1°)
tenance verbale	parol tenancy (1°)

tenance viagère	life tenancy tenancy for life
tenance viagère légale	legal life tenancy
tenant	tenant (1°)
tenant à bail	leasehold tenant
tenant à discrétion	tenant at will (1°)
tenant à durée déterminée	tenant for years (1°)
tenant à terme déterminé	tenant for a term of years (1°)
tenant à titre périodique	periodic tenant (1°)
tenant à vie d'autrui	tenant for the life of another tenant pur autre vie
tenant agricole	agricultural tenant (1°)
tenant après terme	holdover tenant (1°) overholding tenant (1°)
tenant commercial	business tenant (1°) commercial tenant (1°)
tenant commun	tenant in common (1°)
tenant commun bénéficiaire	beneficial tenant in common
tenant commun en common law	legal tenant in common tenant in common at law
tenant commun en equity	equitable tenant in common tenant in common in equity
tenant concurrent	concurrent tenant (1°)

tenant conjoint	joint tenant (1°)
tenant conjoint bénéficiaire	beneficial joint tenant
tenant conjoint en common law	joint tenant at law legal joint tenant
tenant conjoint en equity	equitable joint tenant joint tenant in equity
tenant contractuel	contractual tenant (1°)
tenant de fief-ferme	tenant in fee farm (1°)
tenant de fonds dominant	dominant tenant
tenant de fonds servant	servient tenant
tenant d'habitation	residential tenant (1°)
tenant du terme	termor
tenant en chef	tenant in capite (HIST) tenant in chief (HIST)
tenant en fief	tenant in fee
tenant en fief simple	fee simple tenant tenant in fee simple
tenant en fief taillé	fee tail tenant tenant in fee tail tenant in tail
tenant en fief taillé sans possibilité de descendance	tenant in tail after possibility of issue extinct
tenant en possession	tenant in possession (1°)

tenant enclavé	landlocked tenant (1°)
tenant entrant	incoming tenant (1°)
tenant franc	freehold tenant
tenant immédiat	immediate tenant
tenant individuel	tenant in severalty
tenant par opération législative	statutory tenant
tenant par préclusion	tenant by estoppel (1°)
tenant par tolérance	tenant at sufferance tenant by sufferance
tenant primitif	original tenant (1°)
tenant principal	head tenant (1°)
tenant sortant	outgoing tenant (1°)
tenant unique	sole tenant
tenant unitaire	tenant by the entireties (1°)
tenant viager	life tenant tenant for life
tenante (n.f.) en douaire	tenant in dower
tènement	tenement (1°) tenement (2°)
tènement à bail	leasehold tenement
tènement corporel	corporeal tenement

tènement incorporel	incorporeal tenement
tenure	tenure
tenure à bail	leasehold (3°) leasehold tenure
tenure à titre de chevalerie	tenure in chivalry (HIST)
tenure d'ancien demesne	tenure in ancient demesne (HIST)
tenure d'ancien domaine	tenure in ancient demesne (HIST)
tenure de bourgage	burgage tenure (HIST) tenure in burgage (HIST)
tenure de chevalerie	tenure in chivalry (HIST)
tenure de chevalier	tenure in knight service (HIST)
tenure de franc et commun socage	tenure in free and common socage
tenure de grande sergenterie	tenure in grand serjeanty (HIST)
tenure de petite sergenterie	tenure in petit serjeanty (HIST) tenure of petit serjeanty (HIST)
tenure ecclésiastique	ecclesiastical tenure (HIST)
tenure en bourgage	burgage tenure (HIST) tenure in burgage (HIST)

tenure en chef	tenure in capite (HIST) tenure in chief (HIST)
tenure en chevalerie	tenure in chivalry (HIST)
tenure en franc et commun socage	tenure in free and common socage
tenure en franc socage	free socage tenure (HIST) tenure in free socage (HIST)
tenure en franche-aumône	frankalmoign tenure (HIST) tenure in frankalmoign (HIST)
tenure en franc-socage	free socage tenure (HIST) tenure in free socage (HIST)
tenure en grande sergenterie	tenure in grand serjeanty (HIST)
tenure en libre socage	free socage tenure (HIST) tenure in free socage (HIST)
tenure en petite sergenterie	tenure in petit serjeanty (HIST) tenure of petit serjeanty (HIST)
tenure en sergenterie	tenure in serjeanty (HIST)
tenure en service de chevalier	tenure in knight service (HIST)
tenure en socage	socage tenure (HIST) tenure in socage (HIST)

tenure en vilainage	tenure in villeinage (HIST) villein tenure (HIST) villeinage tenure (HIST)
tenure féodale	feudal tenure
tenure franche	free tenure freehold (3°) freehold tenure
tenure laïque	lay tenure (HIST)
tenure libre	free tenure
tenure militaire	military tenure (HIST)
tenure non féodale	non-feudal tenure
tenure non libre	non-free tenure unfree tenure
tenure par copie	copyhold (HIST) copyhold tenure (HIST) tenure in copyhold (HIST)
tenure par copie du registre de la Cour	tenure by copy of the court roll (HIST)
tenure par service divin	tenure by divine service (HIST)
tenure spirituelle	spiritual tenure (HIST)
tenure temporelle	temporal tenure (HIST)
terme	term
terme certain	term certain
terme déterminé	term for years term of years

terme déterminé absolu	term of years absolute
terme fixe	fixed term
terme incertain	uncertain term
terme viager	term of life
terrain	corporeal land land (2°)
terrain enclavé	landlocked land (1°)
terrain riverain	riparian land (1°)
terre	land (1°) land (2°) land (3°)
terre à bail	leasehold land
terre d'accroissement	accreted land
terre de communage	common land
terre franche	freehold land
terres d'accroissement	accreted land
théorie	theory
titre	title (2°) title (3°) title (4°)
titre à bail	leasehold title
titre absolu	absolute title (1°) absolute title (2°)
titre allodial	allodial title

titre apparent	apparent title (1°) apparent title (2°) colourable title (1°) colourable title (2°)
titre bénéficiaire	beneficial title
titre condominial	condominium title (1°) condominium title (2°) condominium title (3°)
titre de squatteur	squatter's title (1°) squatter's title (2°)
titre de tenure	tenurial title
titre dérivé	derivative title (1°) derivative title (2°)
titre en common law	legal title (1°) legal title (2°)
titre en equity	equitable title (1°) equitable title (2°)
titre en fief simple	fee simple title title in fee simple
titre franc	freehold title
titre frappé d'exception	qualified title (1°) qualified title (2°)
titre libre	clean title (1°) clean title (2°) clear title (1°) clear title (2°)
titre non valable	bad title (1°) bad title (2°)

titre originaire	root of title (2°) root title
titre originaire valable	good root of title (2°)
titre par préclusion	title by estoppel (1°) title by estoppel (2°)
titre plausible	plausible title (1°) plausible title (2°)
titre possessoire	possessory title (1°) possessory title (2°) possessory title (3°) possessory title (4°) title by possession (1°) title by possession (2°)
titre précaire	precarious title (1°) precarious title (2°)
titre primitif	original title (1°) original title (2°)
titre valable	good title (1°) good title (2°)
titre vicié	defective title (1°) defective title (2°)
titulaire	owner proprietary (n.) proprietor (1°)
titulaire bénéficiaire	beneficial owner
titulaire de bénéfice du veuf	tenant by the curtesy
titulaire de domaine	estate owner

titulaire de domaine viager	life tenant tenant for life
titulaire de domaine particulaire	particular tenant
titulaire de domaine à bail	leasehold tenant leaseholder
titulaire de domaine franc	freehold tenant
titulaire de domaine non franc	non-freeholder
titulaire de douaire	tenant in dower
titulaire de fief simple	fee simple owner
titulaire de la réversion	tenant of the reversion
titulaire de rente-charge	rentcharge owner
trésor	treasure trove
trouver	find (v.)

- U -

unité	unit
unité condominiale	condominium unit
unité de personnalité	unity of person unity of personality
unité de personnalité des conjoints	unity of spouses

unité de personnalité des époux	unity of husband and wife
unité de possession	unity of possession (1°) unity of possession (2°)
unité de propriété	unity of ownership (1°) unity of ownership (2°)
unité de saisine	unity of seisin
unité de terrain nu	bare land unit vacant land unit
unité de titre	unity of title
unité d'habitation	flat
unité d'intérêt	unity of interest
unité d'ouverture	unity of time
usage	use (1°) user
usage adversatif	adverse use adverse user
usage ancien	ancient user
usage bénéficiaire	beneficial use
usage comme de droit	user as of right
usage immémorial	immemorial user
usage précaire	permissive use (1°) permissive user

- V -

vacance	abeyance
vacance de saisine	abeyance of seisin
vacance de tenure franche	abeyance of freehold
vadium	vadium
viager (n.)	life tenant tenant for life
vice de titre	defect in title (1°) defect in title (2°) defect of title (1°) defect of title (2°)
vie-mesure	measuring life
voie	way (3°)

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